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THE LAW SOCIETY OF UPPER CANADA

Minutes of Convocation

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VOLUME 5

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VOLUME 5

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MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 18th January, 1980
9:30 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Affleck, Arthurs, Barr, Bowlby, Brulé, Bynoe, Carnwath, Carter, Carthy, Cass, Catzman, Chadwick, Chilcott, Cooper, Farquharson, Fennell, Ferrier, Furlong, Genest, Ground, Humphrey, Lamont, Mrs. Legge, Messrs. Lerner, Levinter, Lochead, The Honourable R. Roy McMurtry, Mr. McWilliams, The Right Honourable Roland Michener, Messrs. Noble, O'Brien, Ogilvie, Pepper, Robinette, Ruby, Scace, Shaffer, Sheard, Shibley, Strauss, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wardlaw, White, Wilson and Yachetti.

....

MINUTES

The Minutes of Convocation of 16th November, 1979 were confirmed.

....

ANNUAL MEETING

The Treasurer reminded members of Convocation that the Society's Annual Meeting will be held at 2:30 p.m. on Saturday, 9th February, 1980, at the Harbour Castle Hilton Hotel, Toronto. The meeting will be preceded by a reception at 12:00 noon and a luncheon at 1:00 p.m.

....

THE RIGHT HONOURABLE JOHN R. CARTWRIGHT, P.C., M.C., Q.C., HONORARY BENCHER

The Treasurer noted with regret the death of The Right

Honourable J. R. Cartwright, former Chief Justice of Canada, on 24th November, 1979. Mr. Cartwright was appointed to the Supreme Court of Canada in 1949 and was Chief Justice of Canada from 1967 to his retirement in 1970. On 17th April, 1970, by resolution of Convocation Mr. Cartwright was "elected and enrolled as an Honorary Bencher of the Society". He was the first former Chief Justice of Canada to be so honoured and the first former elected Bencher of the Society to receive such honour. He was elected a Bencher in 1946, heading the poll on the first and only occasion on which he presented himself for election.

Commemorative Service

The Treasurer informed Convocation that in memory of Mr. Cartwright the Society, in conjunction with The Advocates' Society and the Criminal Lawyers Association, on behalf of the Bench and Bar of Ontario, is arranging a commemorative service to take place at Osgoode Hall.

....

W. GIBSON GRAY, Q.C., BENCHER EX OFFICIO

The Treasurer noted the appointment of W. Gibson Gray, Q.C., of Toronto, a Bencher ex officio of the Society and Treasurer for two terms from 1976 to 1978, to the High Court of Justice of the Supreme Court of Ontario. He was elected a bencher in January 1964 and subsequently at the Benchers Elections held in 1966, 1971 and 1975. Mr. Justice Gray was sworn on 17th December, 1979.

....

APPOINTMENT OF REPRESENTATIVE CANADIAN NATIONAL EXHIBITION ASSOCIATION

The Treasurer referred to a letter, dated 29th November, 1979, from Miss Shirley Hughes, Corporate Secretary of the Canadian National Exhibition Association, to the Secretary, requesting that the Society appoint a representative to the Association for the current year.

Mr. W. B. Common served as the Society's representative from 1971 until May 1979, when he resigned for personal reasons. On 15th June, Convocation considered the matter of continuing representation and decided that no representative would be appointed at that time.

It was moved, seconded and *carried* that Mrs. *R. M. Tait* be appointed the Society's representative to the Canadian National Exhibition Association for the current year.

. . . .

ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 10th January, 1980.

The following members were present: Mrs. L. L. Legge (Chairman), Messrs. Cooper (Vice-Chairman), Cass, Catzman, Lamont, Pepper, Scace, Mrs. Sutherland and Mr. White.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

The Honourable Jacques Flynn, P.C., Q.C., Minister of Justice and Attorney-General of Canada, is to be called to the Bar.

Special

By Resolution of Convocation 18th January 1980

The Honourable Jacques Flynn, P.C., Q.C.

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further total of 74 candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1979.

Approved

DIRECT TRANSFER FROM QUEBEC

The Committee considered four applications to transfer to practice in Ontario by Quebec lawyers. Three sought permission to proceed under Regulation 4(2) and one under Regulations 4(2) and 3(1). All four applications were approved.

OCCASIONAL APPEARANCE

Lawrence Charles Greenberg of the Province of Manitoba, applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces" in the case of *Regina vs. Beazley.* Mr. Greenberg complied with the requirements of Section 10 and presented a Certificate of Good Standing.

Approved

ACCOUNT FOR APPROVAL

The Committee approved the account in the amount of $1,037.50 of H. Lorne Morphy for his services in connection with the hearing accorded an applicant for admission to the Bar Admission Course.

REPORT OF THE EXAMINING BOARD

The report of the examinations held in November 1979 was before the Committee. Thirteen candidates sat the examination. Eleven candidates passed and two failed.

Approved

PETITIONS

The Committee considered two petitions for admission as students-at-law in the Bar Admission Course. Both petitioners had obtained C.E.G.E.P. qualifications and been accepted directly into McGill University Faculty of Law, subsequently receiving B.C.L. and LL.B. degrees in 1978 and 1979. One petitioner is a student member of the Law Society of Alberta and expects to be called to the Alberta Bar in July. The other petitioner married in 1979 and came to Ontario with her husband who began a three-year full-time course of study for a Master's degree at York University. Neither petitioner had the requisite year of non-legal university study before entering the LL.B. degree course.

In 1976, Convocation approved requests from two students in their third year of the B.C.L. degree course who had entered with C.E.G.E.P. qualifications, that they complete a further year of non-legal university study before entering the LL.B. degree course, and if then successful, proceed to the Bar Admission Course.

The Committee recommended that these two petitioners be advised that they do not comply with the Society's requirements in that they lack the stipulated year of non-legal education in addition to the C.E.G.E.P. qualification.

THE REPORT WAS ADOPTED

....

MOTIONS: THE HONOURABLE JACQUES FLYNN, P.C., Q.C., MINISTER OF JUSTICE AND ATTORNEY GENERAL OF CANADA

(a) CALL TO THE BAR

It was moved, seconded and *carried* that pursuant to Section 1 of The Barristers Act, R.S.O., 1970, c. 39, The Honourable Jacques Flynn, Minister of Justice and Attorney General of Canada, be this day called to the Bar of Ontario, without complying with the rules of the Society as to admission, examination, payment of fees or otherwise.

(b) HONORARY MEMBERSHIP

It was moved, seconded and *carried* that pursuant to Rule 48(1) under The Law Society Act, The Honourable Jacques Flynn, Minister of Justice and Attorney General of Canada, be made an honorary member of the Society until such time as he may wish to assume active practice within the Province of Ontario.

....

FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 10th January, 1980.

The following members were present: Messrs. Pepper (Chairman), Scace (Vice-Chairman), Brulé, Farquharson, Lochead and Wilson.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointment to Judicial Office and their membership in the Society will be placed in abeyance upon their assuming office:

Wesley Gibson Gray, Q.C.	Called – 18 June 1942
Toronto	Appointed Judge, Supreme Court of Ontario, High Court of Justice for Ontario – 27 November 1979
Lorenzo Ettore Di Cecco	Called – 23 March 1973
Toronto	Appointed Provincial Judge, Criminal Division, Judicial District of York – 12 December 1979
William John Shea, Q.C.	Called – 21 March 1946
Sudbury	Appointed District Judge, District of Thunder Bay – 30 October 1979

Deaths

The following members have died:

The Rt. Hon. John Robert Cartwright, P.C., Q.C.	Called – 20 May 1920
Ottawa (Life Member)	Died – 24 November 1979
(Honorary Bencher)	
Ernest Carl Fetzer, Q.C.	Called – 13 October 1917
Denfield (Life Member)	Died – 1 November 1979
Francis Willard Savignac	Called – 6 August 1922
Ottawa (Life Member)	Died – 17 October 1979
Stephen William Laughlin	Called – 15 September 1949
Toronto	Died – 5 November 1979
Clifford Ernest Hoyt, Q.C.	Called – 16 September 1948
Hamilton	Died – 7 November 1979
Adam Alexander Ingram, Q.C.	Called – 17 June 1920
Midland (Life Member)	Died – 22 November 1979

Henry Rutherford Jackman, Q.C. Toronto (Life Member)	Called – 22 May 1924 Died – 22 November 1979
John Walter McNab Harrison	Called – 16 September 1937 Died – 1 July 1979
John Conlin Sheridan Mulvihill, Q.C. Arnprior	Called – 25 June 1953 Died – 5 December 1979
John McClary Gunn London	Called – 29 June 1949 Died – 11 November 1979
John Nelson Mulcahy, Q.C. Pembroke	Called – 21 June 1945 Died – 7 December 1979
Ernest Thomas Godwin, Q.C. Toronto	Called – 19 June 1930 Died – 12 December 1979
Robert Anderson Downing Ottawa	Called – 17 October 1940 Died – 5 November 1979
John Stalker McEachran, Q.C. Sarnia	Called – 14 September 1951 Died – 10 December 1979
Phyllis Gordon Solomon, Toronto	Called – 9 May 1979 Died – 22 December 1979
Leopold Macaulay, Q.C. Toronto (Life Member)	Called – 22 May 1914 Died – 24 December 1979
Newton Johnson Powell, Q.C. Toronto (Life Member)	Called – 17 September 1925 Died – 21 December 1979
John McCaughan Monk Ottawa	Called – 20 September 1957 Died – 30 September 1979

Disbarment

The following former member has been disbarred and struck off the rolls, and his name has been removed from the rolls and records of the Society:

Nicholas Joseph Monti Hamilton	Called – 18 September 1959 Disbarred – Convocation 16 November 1979

Noted

LIFE MEMBER

Pursuant to Rule 49, the following member was eligible to become a Life Member of the Society effective 16th January 1980:

Wilfred Wolman	Toronto

Noted

CHANGE OF NAME

The following members requested that their names be changed on the rolls of the Society and submitted the required documentation in support:

From	*To*
Marianne Cecelia Sussex Sinclair	Marianne Cecelia *Sussex* (Maiden Name)
Paul Douglas Syryduk	Paul Douglas *Syrduk* (Court Order)
John Duncan Bice	John Milton *Harvard* (Court Order)

The following student members requested that their names be changed on the rolls of the Society and submitted the required documentation in support:

From	*To*
Nancy Carolyn Wilson	Nancy Carolyn *Robinson* (Married Name)
Susan Mary Wishart	Susan Mary *Grundy* (Married Name)
Lisa Janet Mason	Lisa Janet *Pearson* (Maiden Name)
Ellen Elizabeth Hepner	Ellen Elizabeth *Beall* (Married Name)
Victoria Anne Meikle Alexander	Victoria Anne *Meikle* (Maiden Name)

Approved

RESIGNATIONS

The following members requested permission to resign their membership in the Society and submitted their declarations in support. All applicants requested to be relieved of the requirement of publication in the Ontario Reports.

Sheila Jane Dignan	Toronto
Alan Stuart Hollingworth	Calgary, Alberta
Lyman Rand Robinson	Victoria, B.C.

Approved

MEMBERSHIP UNDER RULE 50

Retired Members

The following members who are sixty-five years of age and over and who are fully retired from the practice of law, requested permission to continue their membership in the Society without payment of annual fees:

Leslie Charles Barrett	Toronto
Clarence Cooper	Victoria, B.C.
John Gladstone Currie, Q.C.	Barrie
David Justin Dore	Hamilton
Leo Arthur Doyle	Toronto
Samuel Armstrong Goff	Gooderham
Archibald Gaylord Greenaway, Q.C.	Willowdale
Robert Thompson Livingstone Innes, Q.C.	Brantford
Albert Bernard Jackson, Q.C.	Toronto
David Ferguson Jackson	Toronto
Francis John Maher, Q.C.	Toronto
Benjamin Alfred Maleyko	Windsor
Reginald Joseph Myers	Chatham
Joseph Leopold McMahon	Toronto
William Harvey Pipe	Montreal, Quebec
Roy Clement Sharp, Q.C.	Toronto
Clarence Day Shepard, Q.C.	Toronto

Approved

Incapacitated Members

The following members requested consideration of their applications as disabled members to continue their membership in the Society without payment of annual fees:

Norman Victor Sawyer	Toronto
Robert Henry Smithrim	Trenton
Peter David Ticktin	Stanley, N.B.

Approved

BUILDING RENOVATIONS

When the Provincial Government renovated its premises in Osgoode Hall, it offered to improve those portions of the west wing which are under the control of the Society by introducing new hot water heating and air conditioning, provided the Society would pay its share of the cost. The Society agreed to do so.

When the Government's renovation programme was being planned, the Society understood from discussions with government officials that the Society's title to those west wing areas would be clarified by a deed from the Crown. The Society at present occupies and controls those areas under a series of Orders-in-Council.

The cost of the improvements to the west wing areas was established at $358,982.07 and the Society was billed for that amount. Convocation approved payment in November 1972 "subject to the conveyance to the Society of the property to be occupied by it". No deed has been received.

Whether or not the Government delivers a deed to the Society, it was suggested that the cost of the improvements should be paid. The matter was before the Committee for consideration.

The Committee recommended that the bill be paid.

BAR ADMISSION COURSE

Government Grant 1980-81 and Student Fees

The Treasurer, Chairmen of the Legal Education Committee and of the Finance Committee and other representatives of the Society met with Dr. Winegard and members of the Funding Committee of the Ontario Council on University Affairs on Tuesday, 4 December, 1979, and made the Society's submission to the Council for a grant-in-aid for operating expenses of the Bar Admission Course for the year 1980-81. A letter dated 31 December, 1979, written by Mr. H. K. Fisher, Deputy Minister of Education and Deputy Minister of Colleges and Universities, was before the Committee, together with the documentation therein referred to. For 1980-81, the government proposes to increase operating grants in the Ontario university system by 7.2% over the 1979-80 allocation. It has been indicated that the 1979-80 grant-in-aid for the Bar Admission Course will be increased by 7.2% for the year 1980-81 to the amount of $515,632.

The government has further proposed a tuition fee policy for the Ontario university system for 1980-81. Present formula fees in the university system will be raised by 7.5% with the discretion to the universities to set their actual tuition fees to a maximum of 110% of the new formula fees without incurring a reduction in grants from the government. The Bar Admission Course is not included in the formula fee system. At the same time, it has been indicated that Bar Admission Course fees should be increased for the year 1980-81 by 7.5% over the level for the year 1979-80 and that no further increase should be made without further communication with the office of the Minister. The tuition fee for 1979-80 is $603 and an increase of 7.5% would increase such fee to $648.

A copy of the financial statements, which were included in the Society's submission to the Ontario Council on University Affairs for the year 1980-81, was before the Committee, with the addition of a further statement showing the projected revenues based upon the indicated increases in government grant and tuition fees.

Noted

Law Publishers' Display

The Ontario law publishers requested permission to display their legal texts and publications to the students in the teaching term of the Bar Admission Course at Osgoode Hall. It was proposed that this display be held in the cafeteria on Monday, 4 February, 1980, under arrangements made with the Director's Office. The letter from Mr. K. M. Barnett of the Carswell Company Limited to the Director dated 3 December 1979 was before the Committee.

Approved

THE REPORT WAS ADOPTED

....

LEGAL AID COMMITTEE—Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meetings on Wednesday, 21st November, 1979, Wednesday, 12th December, 1979 and Wednesday, 9th January, 1980.

On 21st November, the following members were present: John D. Bowlby, Q.C., Chairman, Mrs. Fleming, Mrs. Jarmain, Messrs. Jones, Lamb, Nixon, Ogilvie, Mrs. Tait.

The following observer members were present: Brian P. Bellmore, solicitor, and M. S. Fitzpatrick, Q.C., for the Clinic Funding Committee; Robert L. Holden, solicitor, for the Criminal Lawyers' Association.

Also present by invitation were: Kenneth Jarvis, Q.C., Secretary, The Law Society of Upper Canada; G. H. Marsden, Q.C., Area Director, Peel County; Mr. Michael Tomchuk, for the Ministry of Community and Social Services; and Mr. J. Zarundy, solicitor, Ministry of the Attorney General.

On 12th December, the following members were present: Mr. Bowlby, Chairman, Messrs. Barnes, Barr, Chadwick, Ms. Cornish, Messrs. Ellis, Ferrier, Mrs. Fleming, Mr. Genest, Mrs. Jarmain, Messrs. Jones, Lamb, Linden, Noble, Ogilvie, Ruby, Mrs. Smyth, Mrs. Tait and Messrs. Wallace and Yachetti.

The following observer members were also present: Robert Armstrong, Q.C., from the Advocates' Society; M. S. Fitzpatrick, Q.C., from the Clinic Funding Committee; and Ronald G. Thomas, Q.C., from the Criminal Lawyers' Association.

On 9th January, the following members were present: Mr. Bowlby, Chairman, Messrs. Barnes, Barr, Chadwick, Mrs. Fleming, Mrs. Jarmain, Messrs. Lamb, Linden, Nixon, Ogilvie, Mrs. Smyth, Mrs. Tait and Mr. Yachetti.

The following observer members were also present: Robert Armstrong, Q.C., from the Advocates' Society; and Ronald G. Thomas, Q.C., from the Criminal Lawyers' Association.

REPORT OF THE DEPUTY DIRECTOR

(a) Finance

The Director's report, pursuant to Section 95(2), for the eight month period ended November 30, 1979, shows that payments from the Legal Aid Fund were less than budget by $1,546,000. Of this total $222,000 represents under-expenditure of designated Community Clinic funds. The remaining $1,324,000 is accounted for as follows:

Under budget	$	$
Criminal certificate accounts	1,422,000	
Civil certificate accounts	309,000	
Salaried Duty Counsel project	3,000	
Provincial Office costs	42,000	1,776,000
Over budget		
Duty Counsel payments	172,000	
Legal Advice certificate accounts	2,000	
Student Legal Aid Societies	122,000	
Area Office costs	39,000	335,000
		1,441,000
Less: Expenditures with no budget		
Research Facility	91,000	
Special Projects	26,000	117,000
		1,324,000

The over expenditure of $122,000 for Student Legal Aid Societies is recoverable from the Youth Secretariat summer student employment programme.

Income from sources other than the Province of Ontario was under budget by $342,000 as follows:

Under Budget		
Law Foundation	200,000	
Costs recovered	183,000	383,000
Over budget		
Client contributions	23,000	
Miscellaneous income	18,000	41,000
		342,000

As at November 30, 1979, there was a balance in the fund of $2,547.00.

(b) Statistics

The following table compares reported activity for the first eight months of this fiscal year with the activity for the same period in the previous fiscal year:

	8 months ended *Nov. 30, 1979*	 *Nov. 30, 1978*	*% Change from* *last year*
Summary Legal Advice	31,147)		
	)	77,693	– 6.7
Referrals to other agencies	41,326)		
Applications for certificates	78,128	74,523	+ 4.8
Refusals	25,733	23,906	+ 7.6
As a percentage of applications	32.9	32.1	
Certificates issued	55,442	53,924	+ 2.8
Persons assisted by Duty Counsel:			
Fee for service	104,462	98,334	
Salaried Duty Counsel	36,298	23,665	
Total	140,760	121,999	+ 15.4

(c) Write-Offs

George E. Wallace, Q.C., has approved the write-offs of the following total of amounts due to the Legal Aid Fund: $52,104.94.

All of the accounts were at least three years old.

(d) Budget Estimates 1980/81

The Deputy Director presented the following summary of the estimates of the Ontario Legal Aid Plan for the fiscal year 1980/81:

	1980-81 *($,000)*	*Approved* *1979-80* *($,000)*	*Increase* *($,000)*
Income			
a. Province of Ontario	34,665.0	29,703.7	4,961.3
b. Law Foundation	8,000.0	3,500.0	4,500.0
c. Client contributions	2,100.0	1,850.0	250.0
d. Client recoveries	1,500.0	1,250.0	250.0
e. Miscellaneous	135.0	124.3	10.7
Total	46,400.0	36,428.0	9,972.0

Expenditure

1. Certificate fees & disbursements					
	No. of A/C's	*Av. Cost*			
	70,000	.432	30,260.0		6,711.0
	62,000	.380		23,549.0	
2. Duty Counsel:					
(a) Fee for Service			3,050.0	2,592.0	458.0
(b) Salaried			475.0	349.0	126.0
3. Community clinics			4,750.0	3,420.0	1,330.0
4. Student Legal Aid Societies			242.0	223.0	19.0
5. Research Facility			408.0	–	408.0
6. Special Projects			200.0	–	200.0
7. Area administration			4,003.0	3,635.0	368.0
8. Provincial Office administration			3,012.0	2,660.0	352.0
Total			46,400.0	36,428.0	9,972.0

(e) Notes to Estimates Summary 1980-81

a. This estimate calls for a Provincial Government contribution of $34.6 million, which is a 16.7% increase over that which was approved for this current fiscal year.

b. The increase in Law Foundation funding is based on two assumptions:

(i) the remaining major banks will follow the example set by one major bank by raising their interest rates payable to within approximately 5 points of the prevailing prime rate;

(ii) the prime rate, while continuing at a generally high level through 1980-81, will fall away by as much as 4 points toward the end of next fiscal year.

c. & d. Improvements in financial assessment procedures and in collection procedures should have the effect of generating more income in these categories.

1. The increase in certificate fees and disbursements is made up of:

	$,000
Increased volume	3,056.0
Increased unit cost	3,655.0
	6,711.0

2.(a) The increase in fee-for-service Duty Counsel is largely attributed to underbudgeting for 1979-80.

2.(b) Salaried Duty Counsel costs will increase for two reasons other than inflation:

(i) The need to bring professional salaries up to the level of those in the public sector.

(ii) A possible increase in service level requiring the addition of 2 staff members.

3. The increase requested for funding of independent community legal clinics is expected to be applied as follows:

		$,000
(i)	An 18% increase in the total amount of salary money available for community clinic staff in order to achieve reasonable comparability with the public sector and including a resulting increase in employee benefit costs	445.6
(ii)	Inflation factor of 8.5% for existing clinics – includes salaries, benefits and support costs	270.8
(iii)	Expansion of existing clinics	150.0
(iv)	Incremental cost of annualizing clinics funded part way through 1979-80	220.0
(v)	New clinics	225.0
(vi)	A 7.3% increase in Legal Aid administration costs	18.6
		1,330.0

4. An inflation increase of 8.5% over current funding is provided.

5. & 6. The Research Facility and Special Projects are new programmes which were not budgeted for last year.

7. & 8. The increases called for in Area and Provincial Office administration costs are based upon an average of 10% for salary increases plus 7% inflation for support costs, giving an overall increase of 8.5%.

The following additional costs are provided:

(i) $60,000 for the opening of a satellite office to service the Newmarket area as part of the York County operation;

(ii) $126,000 for the Provincial Office to cover the cost of extra staff hired as a result of the new tariff and information system associated therewith. This sum also provides for that portion of the 11th floor space not absorbed by the new programme.

LEGAL ACCOUNTS

(a) REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	December 1979	*9 Months to Dec. 31/79*	*9 Months to Dec. 31/78*
Reviews on hand	296		
Reviews received in	193	1019	1229
	489		
Settlements reviewed in	49	718	998
Settlements awaiting review at end of	440		
	489		

Appeals

	October	*November*	*December*
Appeals to Taxing Master received during	–	–	–
Appeals heard by Taxing Master	1	2	2
Appeals pending at the end of the month	3	2	–
Appeals abandoned	–	–	–

Activity

	1979/80 Fiscal Year		*1978/79 Fiscal Year*	
	Month of Dec. 1979	*9 months to Dec. 1979*	*Month of Dec. 1978*	*9 months to Dec. 1978*
Accounts on hand at beginning	13186	7273	5821	6016
Accounts received	5167	49980	4807	47916
Total Accounts to be processed	18353	57253	10628	53932
Less: Files cancelled	27	271	35	316
Accounts processed	4555	43211	4238	47261
Balance	13771	13771	6355	6355

In addition to the number of accounts for services completed there were:				
Interim Accounts	257	2276	150	2061
Supplementary Accounts	153	2303	233	2198
Total	410	4579	383	4259

(b) PROPOSED INTERIM PAYMENT OF SOLICITORS' ACCOUNTS

At its November meeting the Legal Aid Committee reviewed in depth the backlog of unpaid legal aid accounts. The Legal Accounts Officer reported that during the said month 6,306 accounts were received and 5,420 accounts were settled leaving 13,186 accounts outstanding at the end of November.

In the 12 month period ending November, 1979, the Legal Accounts Department had received 68,182 accounts which was more than the said department had received in any previous 12 month period.

In the calendar year 1973 when the Legal Accounts Department had 10 permanent full time Examiners it received 43,674 accounts. In the 11 months of 1979 with 13 permanent full time Examiners the department had received 63,375. A 45% increase in workload with a 30% increase in staff.

It takes approximately one year to fully train an Examiner. At the present time the Legal Accounts Department has only 2 civil Examiners who have been with the Plan for more than one year. During the past 12 months the said department lost the services of 4 experienced Examiners, 3 of whom were civil Examiners.

The Plan has felt the impact of the Family Law Reform Act which reduced, perhaps by 50%, the number of block fee accounts in civil matters and is now settling approximately 50% of the accounts under the amended Legal Aid Tariff.

The Committee was of the opinion that delay in payment of legal accounts was highly prejudicial to the junior bar. The view was expressed that since the junior bar participates substantially in the Plan they should be allowed to interim bill, especially with respect to the payment of a large account.

The Committee was aware of the legislative provision for the payment of interim disbursements.

The Committee requested the Legal Accounts Officer and the Deputy to prepare a memorandum as to whether a portion of a solicitor's account could be paid on receipt of the said account.

The Committee wished to ascertain the feasibility of such a proposal.

At the December meeting the Legal Accounts Officer advised that the Plan had received 12,380 accounts since October 1, 1979 and therefore the backlog is essentially the accounts which have been received in the past two months.

The Legal Accounts Officer strongly recommended against implementing new procedures, such as paying 50% of the account when received, for the following reasons:

1. New procedures can be confusing causing chaos and it would be at a time when procedures should run smoothly. Such disruptions have the effect of diminishing productivity. While it would put money into a solicitor's hands initially, it could result in a delay in the payment of the balance of the account.
2. It would create a need for more letters to be written to solicitors since in many accounts an explanation would be required to go out with the final settlement.
3. It would be extremely difficult to distinguish between an account that had been partially paid and an account that had been fully paid with present forms. This would lead to mistakes being made.
4. It would place a heavy burden on the Legal Accounts Clerical Department, which because of volume is working at maximum capacity. It probably would double its staff since it would double their workload to pay an account twice. Since it would not be a permanent arrangement the staff that would be retained through peak-load services, cannot be expected to produce work with the same efficiency as permanent employees. The Department has no space available or equipment for additional staff.
5. The Legal Aid Act and Regulation provides for the examination, settlement and approval for payment of an account by the Legal Accounts Officer with payment by the Controller of the amount of the account as finally

settled. Therefore there is no legislative authority for the Controller to pay an account that has not been examined and settled by the Legal Accounts Officer.

The Legal Accounts Officer stated "that the only way to eliminate the backlog is to concentrate on increasing productivity." To this end in the past month the Legal Accounts Officer has:

1. Stopped telephone enquiries to the Examiners in order that all their time can be spent on settling accounts. A notice to this effect was placed in the November Legal Aid Letter.
2. Placed the five new employees who were hired in September for the statistical analysis sheets on the processing of accounts for half days. This was possible because they had over the month built up a surplus of data which the Data Processing Department had not reached and therefore they were able to take this time without interrupting the flow of statistics to the Data Processing.
3. Encouraged overtime.

Therefore, the Committee approved the Legal Accounts Officer's recommendation "that the ultimate solution to the problem created by the backlog of solicitors' accounts is to settle and pay more accounts more quickly by increasing the productivity of the Legal Accounts Department."

The Committee was of the view that to institute an automatic part payment might well work against achieving this primary goal.

The Legal Accounts Officer reported that in January the following steps will be taken:

1. Retain Duty Counsel to handle the correspondence received by this office requesting authorization for disbursements, waiver of costs or approving settlements. This correspondence is voluminous amounting to at least 50 letters per day plus phone calls. This will release the three assistants to the Legal Accounts Officer, who normally handle the correspondence, to examine accounts. They are former Examiners. It is essential that they learn the amended Legal Aid tariff and this will give them an

opportunity to become familiar with the new tariff.

2. It is hoped that in January or February more time can be spent by the employees on examining accounts, even if this means postponing the gathering of the statistical material for a month. After the initial statistics have been obtained, it may be that the Attorney General's Department will be willing to postpone the next output of statistics for one to two months to enable the Department to concentrate on the backlog. If that is possible then these two proposals could result in the processing of somewhere in the region of 4,000 additional accounts between January and the end of March. The backlog of unpaid legal accounts should be substantially reduced by the end of March.

TRUST ACCOUNT INCOME FROM THE LAW FOUNDATION

At its November meeting the Legal Aid Committee requested that the Deputy Director prepare a report on the current interest rate paid on solicitors' trust accounts.

The Deputy Director in January, 1980 reported to the Legal Aid Committee as follows:

The five major banks between them account for approximately 90% of all trust account income received by the Law Foundation.

New interest rate agreements have been reached with two of these banks as follows:

> *Bank of Montreal*
>
> Effective May 1, 1979, interest paid to the Law Foundation will be calculated on the basis of 5 percentage points less than the prevailing prime rate. The prime rate is now 15%, so that the net rate payable to the Law Foundation is 10%.
>
> *Toronto-Dominion Bank*
>
> Effective November 1, 1979, interest paid to the Law Foundation will be at the rate of 3 percentage points below the 30-59 day term deposit rate. This rate is currently 12½%, so that the net rate payable to the Law Foundation is 9½%.

Assuming no significant change in interest rates then, on an annual basis, these two agreements will generate approximately $3 million in additional income for the Law Foundation of which Legal Aid will receive three-quarters or $2¼ million.

Negotiations are continuing with the remaining three banks, the Commerce, the Royal and the Nova Scotia.

MISSISSAUGA EMERGENCY LEGAL ADVICE CLINIC

On November 21, 1979 the Chairman called an emergency meeting of the Legal Aid Committee to approve an Emergency Legal Advice Clinic in Mississauga as a result of a train derailment, threat of the escape of chlorine gas and the subsequent evacuation of a large area. The Chairman was of the opinion that it was essential that legal advice be given to the evacuated residents. The C.P.R. had undertaken to pay out-of-pocket expenses to the Mississauga residents affected by the derailment on condition that a waiver be signed. Legal advice before the signing of a waiver might save some Mississauga residents from forfeiting legal claims respecting health, interruption of business, etc.

The Chairman advised the Committee that the following steps had already been taken:

1. The Attorney General for Ontario had indicated through the Assistant Deputy Attorney General that he would support whatever steps the Plan took to provide summary legal advice to the Mississauga residents through the use of duty counsel.
2. Arrangements had been made through G. H. Marsden, Q.C., Area Director, Peel County, to retain four duty counsel to staff a legal advice clinic morning and afternoon.
3. The Peel County Law Association had obtained suitable office space in Square One, a major shopping centre in the Mississauga area and directly across from the Claims Office of the C.P.R.
4. The Peel County Law Association would staff the legal advice clinic from 5:30 p.m. to 9:30 p.m. on a voluntary basis.

The Legal Aid Committee approved a motion:

> "That legal advice be made available through duty counsel in Mississauga in connection with the emergency resulting from the derailment in November, 1979 of C.P. Train No. 54 and that the Chairman be authorized to arrange the necessary clinic accommodation, duty counsel and other staff, notification to the residents and any other arrangements needed to carry out this emergency programme."

The Mississauga Emergency Legal Advice Clinic was established on November 22, 1979.

The public was informed of the clinic's opening and first day's operations through the generous coverage provided by the media both in Toronto and in Mississauga. The Public Information Officer also distributed a Public Service Announcement to the media for their use in continuing an information service to affected Mississauga residents. Shortly after the clinic opened, newspaper advertisements were placed in six papers with a combined daily circulation of about 400,000.

By mid-December, demand for the service was dropping and plans were made in co-operation with the Peel County Law Association and the Peel County Legal Aid Office to close the clinic on December 21, 1979.

The clinic closed on that date and statistics kept throughout the month-long operation indicate that some 1,500 individuals were advised of their legal rights concerning claims and possible future claims at a cost of approximately $21,000. Major legal assistance related to advising applicants as to the consequence of signing a C.P.R. waiver and thereby forfeiting a future claim for property damage, impaired health, lost wages, lost business income, etc. For example, a lady interviewed at the clinic had developed a breathing problem and was advised to obtain medical assistance before signing the waiver; a dog breeder whose dog had been left during the evacuation and had died as a result of inhaling a toxic gas was advised to obtain further legal advice.

Since the Ministry of the Attorney-General was represented at the special Legal Aid Committee meeting which authorized the establishment of the emergency legal advice clinic, the Ministry was informed of the plans to close the clinic on December 21, and the Ministry concurred with the decision.

The story that an emergency clinic had been opened received news coverage across Canada. The prompt action of Peel County Law Association and the Legal Aid Committee indicated to the media, the public and the members of the legislature that the legal profession in this province can act swiftly and efficiently in meeting the legal needs of thousands of people.

At its January meeting the Legal Aid Committee recommended that persons involved with the Mississauga Emergency Legal Advice clinic should receive special thanks. These include the Manager of the Square One Shopping Plaza who supplied free office space; the Mayor of Mississauga; James Goshin, Solicitor and Wilson McTavish, Q.C., of the Peel County Law Association who arranged for volunteer lawyers to staff the clinic; Gerald H. Marsden, Q.C., Area Director, Peel County, who arranged for duty counsel and Italian speaking interpreters during the day and who arranged for post-clinic advice to be provided.

A report prepared by the Public Information Officer of the Mississauga Emergency Legal Advice Clinic was before the Committee and Convocation.

Messrs. O'Brien and Shibley took no part in the discussion in Convocation and did not vote on this item.

INDEPENDENT REPRESENTATION OF THE CHILD

In February, 1979 Convocation approved that the Legal Aid Plan co-operate with the Official Guardian's department in implementing Section 20 of The Child Welfare Act which provides that a Family Court Judge may direct that a child shall have separate legal representation in a proceeding under Part 2 of The Child Welfare Act. Specifically, Convocation authorized that the roster of panel lawyers who are prepared to represent children under the Act, be placed in Area Directors' offices. The staff in the Area Directors' office will notify a lawyer on the rotating list when a request is made by the Court. Convocation also approved that Area Directors may serve on a local committee which will be set up in each community and district to monitor the success of the programme.

The Treasurer expressed concern with respect to a letter received by the Director of the Bar Admission Course from the

Official Guardian's office, the Official Guardian having initiated a special course for lawyers wishing to be placed on the above noted panels. The Official Guardian's letter read, in part:

> "The only method by which a lawyer in Ontario may accept remuneration for representing a child pursuant to Section 20 of The Child Welfare Act, is to attend one of the seven training seminars held this year (or one of the seminars to be held in future years). The panels will not be expanded, until the seminars are held in future years."

The Treasurer wrote the Official Guardian as follows:

> "I have looked at the Child Welfare Act and particularly Section 20 and with great respect can find no authority for this statement. I am concerned as to the legal basis upon which the Official Guardian would purport to restrict representation of children to a particular class of lawyers. I am also concerned to know on what basis the Official Guardian feels that he is qualified to train lawyers for what is described in the letter as "a somewhat narrow area of preferred practice." In my view it is very clear that it is the Law Society of Upper Canada which has the historical and statutory authority to determine the qualifications of lawyers and their right to an audience before the Court."

After discussion the Committee requested that a sub-committee be appointed under the chairmanship of James B. Chadwick, Q.C., to investigate the role of Legal Aid with respect to the representation of children.

The Treasurer subsequently received a letter dated December 17, 1979 from the Official Guardian wherein he stated "it is clear and understood that the Official Guardian has no authority to restrict or confine child representation to a particular class of lawyers, nor do I or the Ministry wish to do so. There is no statutory or regulatory process preventing any lawyer from representing children in proceedings under Part II of the C.W.A., 1979."

STEERING COMMITTEE

(a) SUPERVISION OF THE QUALITY OF SERVICES RENDERED BY THE LEGAL PROFESSION

At its October meeting the Legal Aid Committee referred to the Steering Committee the following motion:

> "After an indepth review your committee approved the recommendation of the sub-committee appointed to review the limitation of criminal certificates wherein any arbitrary limitation of the number of criminal certificates accepted by members of criminal legal aid panels be revoked and that no recommendation be made for legislative or regulatory sanction of such limitation."

However, in adopting this recommendation, the Legal Aid Committee expressed its intention to continue to closely supervise the quality of service rendered by the profession under the Plan and particularly to ensure that the number of certificates accepted by any lawyer does not adversely affect the quality of his service.

The Committee further recommended that the monitoring of the profession's service be referred to the Steering Committee, a standing committee of the Legal Aid Committee, for a report on how the monitoring is to be implemented.

In November the Steering Committee with Mr. Robert E. Barnes, Vice-Chairman in the Chair, reviewed this matter and recommended the following:

(a) Sections 133, 134 and 135 of the Regulation set out procedures to be followed when a complaint is received by an Area Director or any Area Committee from a client that his solicitor has failed to carry out his professional duties properly. The passing of such information to the Provincial Director is not obligatory. The committee recommended that the word "may" in the relevant Sections be changed to "shall".

The Legal Aid Committee recommended that before an amendment is made to the said Sections, Area Directors should be asked for their comments.

(b) The Steering Committee noted that the handling of complaints from judges concerning Legal Aid will now be monitored by a committee appointed in November under the chairmanship of Pierre Genest, Q.C.

(c) The Steering Committee is of the view that the pilot project on York County dealing with the reclassification of the York County Criminal Legal Aid Panel should be introduced throughout Ontario at the appropriate time.

(d) The Steering Committee expressed its hope that the

Research Facility and the proposed "Buddy System" and the proposed pilot projects with respect to the use of investigators and social workers will help to improve the quality of legal aid services in Ontario.

(e) The Steering Committee tabled for future consideration discussion with respect to the Criminal Legal Aid Panel Reclassification in York County being introduced into the Civil Panel.

The Legal Aid Committee reviewed in depth the Steering Committee's recommendation:

> "That the Legal Aid Committee be advised that the Steering Committee is of the view that a study should be conducted as to the desirability of having the composition of all Legal Aid Panels conform to the categories of specialties as recognized by the Law Society's Special Designated Areas of Practice."

The Committee was of the respectful opinion that the Law Society's special designated areas of practice needed further review. It was noted that in some instances solicitors whose names appear in preferred areas of practice had little or no special qualifications.

The Legal Aid Committee recommended that the Steering Committee's recommendation be tabled for further review.

(b) DEMOGRAPHIC STUDY

At the October meeting the Steering Committee reviewed a recommendation of the Provincial Auditor which read:

> "We recommend that the fund prepare a Statement of Medium to Long Term Objectives and that these objectives be translated into measurable targets so that the attainment versus target can be measured."

The Committee had also discussed with the York County Area Director, correspondence wherein he set out that York County had only a small increase in volume of formal applications in criminal certificates and an actual reduction in civil certificates. He noted that the other Legal Aid areas, however, had very marked increases in all categories.

The Area Director suggested that a statistician be retained to examine the material to ascertain relevant information which might be of use to the Steering Committee.

The Deputy Director undertook to investigate the possibility of obtaining advice on the retention of a statistical analyst to consider the Area Director's aforementioned observation as it relates to the Provincial Auditor's comment regarding a Statement of Medium to Long Term Objectives.

The Steering Committee recommended to the Legal Aid Committee:

> "That the demographic study set out in correspondence between the Deputy Director and the Chief of Advisory Services of Central Statistical Services of the Ministry of Treasury, Economics and Intergovernmental Affairs be approved."

The Deputy Director advised the Committee that the objective of the Legal Aid Plan is to deliver services to those in need. A defect in the Plan is that the Plan cannot demonstrate that it is reaching everyone in need. As noted, the demand in the City of Toronto is levelling off but the rest of the Province shows an increased demand.

After careful review the Legal Aid Committee was of the opinion that such a demographic study would not be of assistance and therefore recommended that this study not be undertaken.

A copy of the correspondence with approximate cost and time estimates was before the Committee and Convocation.

STANDING COMMITTEE RE: SALARIED DUTY COUNSEL YORK COUNTY

The Committee reviewed in depth a report from the Standing Committee re: Salaried Duty Counsel.

The Standing Committee recommended that the Director of the Salaried Duty Counsel Project circulate the following memorandum to the Salaried Duty Counsel:

(a) "Where an accused is on a Legal Aid Certificate and has a lawyer, and the lawyer is not present, and the accused insists on pleading guilty without counsel, Duty Counsel will not provide assistance in negotiating a plea, or assist in the rendering of a plea.

However, the Duty Counsel, after obtaining written instructions from the client, may assist the accused in speaking to sentence, or Duty Counsel can speak to sentence if the record indicates that the accused wishes Duty Counsel to represent him on sentence.

(b) Salaried Duty Counsel should not represent an accused on a bail hearing where the accused is represented by counsel on record.

However, if the lawyer cannot or will not appear for the accused the Duty Counsel should only represent an accused on a bail application after obtaining all the necessary information, provided that Duty Counsel considers the need for such representation to be bona fide and has written instructions from the accused and/or the record indicates that the accused wishes Duty Counsel to represent him on the bail application.

(c) Salaried Duty Counsel will, on a request for an adjournment, always act for a legally-aided accused.

(d) When a legally-aided accused has not retained counsel and wishes to plead guilty, and Duty Counsel is of the opinion that *the accused has a defence* the Duty Counsel must not provide assistance. The accused must enter his own plea.

However, the Duty Counsel, after obtaining written instructions from the client, may assist the accused in speaking to sentence, or Duty Counsel can speak to sentence if the record indicates that the accused wishes Duty Counsel to represent him on sentence."

The Legal Aid Committee approved the Standing Committee's recommendation.

JOINT COMMITTEE

(a) RESEARCH FACILITY

At its meeting in December the Legal Aid Committee approved a letter from the Director of Research which was forwarded to a select number of criminal lawyers throughout the Province.

The Research Facility was made available to a restricted number of lawyers as of December 17, 1979.

The Legal Aid Committee was of the view that the Research Facility should commence its operation on a limited scale. In this way the Research Facility would have a better idea as to the demand and queries which it may receive when the Facility commences its full scale operation.

The Director of the Research Facility reported to the Legal Aid Committee in January.

The Research Director's Report and the letter which was forwarded to a restricted number of lawyers were before the Committee and Convocation.

(b) CRIMINAL LEGAL AID PANEL – YORK COUNTY

The Area Director, York County, and the Special Projects Co-ordinator advised the Committee that there were some criminal lawyers who have accepted certificates and who had not completed the questionnaire and as a result were not listed on the revised Criminal Legal Aid Panel in York County.

They also informed the Committee that in this instance a telephone call is made to the lawyer. The Area Director also proposed sending a letter to the lawyer warning the member of the Bar that if the questionnaire is not completed and returned his account for services rendered under a certificate accepted after November 5, 1979 *will not be paid.*

The Committee noted the opinion of H. Lorne Morphy, Q.C., wherein he stated:

> "That the Act and the Regulation require a client to have a Legal Aid Certificate in order to obtain legal aid and they also require that legal aid be rendered by a barrister and solicitor who is listed on a panel."

Counsel was also of the opinion that in order to receive payment for legal aid services, a solicitor must be on a panel.

The Legal Aid Committee approved the letter which the York County Area Director will forward to criminal lawyers not on the revised Criminal Legal Aid Panel.

A copy of the Area Director's proposed letter addressed to a solicitor not on the Criminal Panel together with a copy of Mr. Morphy's opinion dated August 15, 1979 was before the Committee and Convocation.

LEGAL AID COMMITTEE RESIGNATION

The Legal Aid Committee noted the resignation of Father Basil Courtemanche as a lay representative of the Legal Aid Committee and requested the Director to express in writing the Law Society's recognition of his contribution to ensure the successful administration of The Ontario Legal Aid Plan.

AREA COMMITTEES

(a) APPOINTMENTS

Ontario County

Bernard O'Brien, solicitor, Oshawa

York County

Patricia Bryden, Executive Director, Metro Toronto Y.W.C.A.
Elliot G. Posen, solicitor
Mark Rosenberg, solicitor
Steven Stieber, solicitor
Michael Caney, solicitor
Cyril J. Abbass, solicitor

Kenora

Ms. Madeline Skead, Former Chief and Councillor of the Rat Portage Band, President of the Ne-Chee Friendship Centre

(b) RESIGNATIONS

Ontario County

Neil McCrank, solicitor

York County

John A. Sproule, Q.C.
Laurence Kearley
Marshall Margolis

THE REPORT WAS ADOPTED

……….

CLINIC FUNDING REPORT

Mr. Bowlby also presented the Report of the Director of Legal Aid, dated 10th January, 1980, with respect to Clinic Funding.

CLINIC FUNDING

The Clinic Funding Committee submitted two Reports to the Director recommending funding for various projects.

The Director recommended to Convocation that the Reports of the Clinic Funding Committee, dated December 11, 1979 and January 10, 1980 be adopted.

The following is a summary of the Reports which together cover all applications for funding and allocations of funds considered and approved by the Committee subsequent to its Report of 5th November, 1979:

1.	Advocacy Resource Centre for the Handicapped	up to $25,000
2.	Rexdale Community Information Directory (supplementary funding)	up to $ 4,500
3.	Unemployment Help Centre	up to $ 8,300
4.	Industrial Accident Victims Group of Ontario	up to $ 3,100
5.	Community Legal Services of Niagara South (formerly Community Legal Services Welland)	up to $22,000
6.	Community Information Centre (Kitchener)	up to $17,000
7.	Canadian Environmental Law Association	up to $ 4,000
8.	Capital Costs and Moving Expenses Allocation to meet such items in relation to community clinics prior to the end of this fiscal year	up to $25,000

THE REPORT WAS ADOPTED

....

SPECIAL COMMITTEE ON OFFICE OF THE TREASURER

Mr. J.J. Robinette, Chairman, presented the Report of the Special Committee on the Office of the Treasurer of its meeting on Wednesday, 16th January, 1980.

The Special Committee reported to Convocation on an interim basis in October, 1979 recommending that the post of Treasurer should not be full-time to the exclusion of engaging in practice and Convocation accepted that recommendation.

The Committee met again on Wednesday, January 16th, 1980, the following members being present: Messrs. Robinette

(Chairman), Bowlby, Carnwath, Ogilvie and Thom; and discussed two of the other matters which had been left for the Committee's consideration.

1. ELECTION OF TREASURER

The Committee recommended that the Treasurer be elected by a vote in Convocation in May of each year and that the following procedures be used:

(a) Except in the year of a Benchers' Election, written nominations signed by the mover and seconder be delivered to the Secretary by Meeting Day in April.

(b) At the April Convocation, the names of those nominated and the names of those moving and seconding the nominations be read to Convocation and immediately after Convocation all Benchers be notified by mail of the nominations.

(c) The election of Treasurer take place at the May Convocation when the formal motions would be made. In the event of an acclamation, no vote would need to be taken but if more than one nomination were moved, the election would take place in Convocation by those present putting the name of their choice for Treasurer on a ballot. The ballots would be collected and counted forthwith and the result of the election announced in Convocation. In the event of more than two names being put forward for Treasurer, a first ballot would be held to eliminate the name of the candidate receiving the fewest votes and further ballotting would follow as required to decide the election.

(d) In the year of a Benchers' Election, the election of the Treasurer should be moved forward one month to June.

2. REMUNERATION OF TREASURER

Convocation directed that this item stand.

ITEM 1 OF THE REPORT WAS ADOPTED

....

PROFESSIONAL CONDUCT COMMITTEE–Mr. Ground

Mr. J.D. Ground, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 10th January, 1980.

The following members were present: Messrs. Ground (Chairman), Carnwath, Catzman, Lamont, Lerner, Strauss, Mrs. Sutherland and Mr. Wardlaw.

1. SUB–COMMITTEE ON INTEREST ON OVERDUE ACCOUNTS

At its meeting on November 8th, 1979 the Committee appointed a sub-committee (made up of Messrs. Catzman, Lerner, McWilliams, Outerbridge and Yachetti) to consider the question of interest on overdue accounts, with particular reference to section 35 of The Solicitors Act. The appointment of the sub-committee arose out of the following item from the agenda of the Committee:

> **"INTEREST ON OVERDUE ACCOUNTS**
>
> Section 35 of The Solicitors Act deals with solicitors charging interest on their disbursements and costs. In 1973 the Ontario Law Reform Commission reported on The Solicitors Act. The report included a draft piece of legislation known as The Solicitors' Fees Act.
>
> The Society appointed a Sub-Committee to review the proposed legislation reporting to Convocation January of 1975. The report as approved was forwarded to Queen's Park shortly thereafter. There appears to have been no governmental activity with respect to the proposals of the Law Reform Commission. From time to time members of the profession express concern about what they consider to be the needlessly restrictive provisions of the Solicitors Act. At the request of the Chairman this matter is being brought before the Committee."

The sub-committee reported as follows:

1. *Rule 10 of the Rules of Professional Conduct*

Rule 10 of the Rules of Professional Conduct provides:

"RULE 10

The Lawyer should not

> (a) undertake to act for, charge or accept any fee which is not fully disclosed, fair and reasonable;
>
> (b) appropriate any funds of his client held in trust or otherwise under his control for or on account of his fees without the express authority of his client, except as permitted by the Regulation made under The Law Society Act."

Paragraph 4 of the Commentary to the Rule provides:

> "4. The lawyer should not charge his client interest on an overdue account unless permitted by law, and then only after adequate notice to the client.[5]"

The reference to footnote (5), which appears at page 74 of the Professional Conduct Handbook, reads:

> "5. Cf. Solicitors Act R.S.O. 1970 c. 441 s. 35, permitting 5% interest from the expiration of one month from demand. In 1976 the Ontario P.C.C. held that it is not to be considered improper for a member to indicate on his bill to his client that interest will be charged on his disbursements and costs in accordance with Section 35 of the Solicitors' (sic) Act."

2. *Section 35 of The Solicitors Act*

Section 35 of The Solicitors Act, R.S.O. 1970, chapter 441 provides:

> "35. A solicitor may charge interest at the rate of 5 per cent per annum on his disbursements and costs, whether by scale or otherwise, from the expiration of one month from demand from the client, and where the same are payable by an infant or out of a fund presently available the demand may be made on the parent or guardian or the trustee or other person liable."

The focus of the issue is the meaning of the words "disbursements and costs" in section 35. Significantly, section 17 of The Solicitors Act, which defines "services" for the purposes of sections 17-35, provides that:

> "17. In this section and in sections 18 to 35,
>
> ...
>
> (b) 'services' includes fees, costs, charges and disbursements."

Sections 21, 25, 26 and 27 all speak of "costs, fees, charges and disbursements." Section 35, however, provides for interest only on "disbursements and costs". There is no reference in section 35 to interest on "services", "fees" or "charges".

Prof. Arthurs has researched the application of section 35 to bills of costs rendered by solicitors and has concluded that there is considerable uncertainty whether section 35 applies to a bill of costs rendered by a solicitor for fees (as opposed to "disbursements and costs"), at least prior to the taxation of such bill of costs. By such interpretation, interest would run on disbursements, which are a fixed sum, but not on an untaxed fee which is liable to be contested and can therefore not be regarded as a fixed sum. Since, by Commentary 4 to Rule 10, a lawyer should not charge his client interest on an overdue account unless permitted by law, the uncertain state of law means that there is considerable doubt as to whether a lawyer may properly, within the Rules of Professional Conduct, charge his client interest on unpaid and outstanding bills, at least prior to their taxation.

3. *Mr. John C. Risk's Memorandum of September, 1970*

In September, 1970, a memorandum was prepared for the Professional Conduct Committee on the subject of "Interest on Legal Accounts" by Mr. John C. Risk, Q.C. Though conceding the existence of a contrary argument, he felt that fees were embraced by the then equivalent of the present section 35, even in the absence of an agreement with or an explanation to the client of the solicitor's intention to charge interest, and that nothing in the section required a bill to be taxed before interest was deemed to be payable. Indeed, he noted that, in his experience, on taxations of bills interest was granted retroactively when requested. He did feel, however, that

> "The present state of the law is unsatisfactory to all concerned. The rights and obligations of solicitor and client respectively are not clear in several important respects and the percentage of interest, when recoverable, is fixed at an inadequate rate. Questions as to the necessity and validity of prior agreements, the requirement of taxation as a condition precedent to the recovery of interest and the allowance to clients in appropriate circumstances, as well as other questions, cannot be answered with certainty."

4. *The 1973 Ontario Law Reform Commission Report*

As noted above, the Ontario Law Reform Commission reported on The Solicitors Act in 1973. Its report included a draft statute known as

The Solicitors' Fees Act which, by section 26, provided for the charging of interest at the rate of 7.5% per annum on the sum due commencing thirty days after the day on which the bill was delivered to the client. In commenting on the 5% rate in section 35, the Report said:

> "In our view, this is an unrealistic rate, having regard to present standards, and may actually encourage persons to withhold a payment. We recommend, therefore, that the rate be increased to 7.5 per cent per annum."

In a corollary provision, sec. 27 of the draft Act provided for payment at the same rate of interest on money which a solicitor was ordered to refund to a client if on a review it appeared that the solicitor was overpaid.

The Society appointed a special committee to review the proposed legislation, which reported to Convocation in January, 1975. With respect to the proposed secs. 26 and 27, the committee recommended that for "the rate of 7.5 per cent per annum" should be substituted "such rate as may be provided from time to time by regulation made by the Lieutenant Governor in Council." In its Report, dated January 17th, 1975, the committee gave as its reason for this recommendation:

> "In view of the wide fluctuations which have occurred in interest rates in recent years, your Committee is of the view that the Lieutenant Governor in Council should be empowered to fix such rates from time to time by regulation without the necessity of amending the Acts."

As noted above, the report as approved was forwarded to the provincial government shortly thereafter, but it appears that, to date, there has been no governmental activity with respect to the Law Reform Commission's proposal.

5. *Economic Considerations*

The sub-committee has noted that most lawyers do not resort to taxation of their bills to clients until such bills have been unpaid and outstanding for some period of time and that, even after the decision to tax is made, there is generally a long delay in obtaining appointments for taxation before a taxing officer. In addition, many such bills themselves are not rendered until the completion – or, indeed, some time after the completion – of the performance of all of the services rendered on behalf of the client. In view of the cost of running and financing the operations of a law office at the present time, and of the current high rate of inflation in the general economy, the interest rate of 5% specified in section 35 (a rate which was first introduced into the statute in 1909; see Statutes of Ontario, 2 Edw. VII, c.28, s.38) appears greatly unrealistic.

It should, however, be noted in this connection that Mr. Risk in his 1970 memorandum to the Professional Conduct Committee expressed concern about the possible public relations impact on the imposition of current rates of interest on charges for legal services.

6. *Recent Amendments to The Judicature Act*

In giving guidance to its deliberations and in providing a model for possible legislation, your sub-committee has found particularly helpful the recent amendments to section 38 (in force November 25th, 1977) and section 40 (in force June 22nd, 1979) of The Judicature Act.

Section 38 provides:

> "38.(1) In this section, 'prime rate' means the lowest rate of interest quoted by chartered banks to the most credit-worthy borrowers for prime business loans, as determined and published by the Bank of Canada.
>
> (2) For the purposes of establishing the prime rate, the periodic publication entitled the Bank of Canada Review purporting to be published by the Bank of Canada is admissible in evidence as conclusive proof of the prime rate as set out therein, without further proof of the authenticity of the publication.
>
> (3) Subject to subsection 6, a person who is entitled to a judgment for the payment of money is entitled to claim and have included in the judgment an award of interest thereon,
>
> (a) at the prime rate existing for the month preceding the month on which the action was commenced; and
>
> (b) calculated,
>
> (i) where the judgment is given upon a liquidated claim, from the date the cause of action arose to the date of judgment, or
>
> (ii) where the judgment is given upon an unliquidated claim, from the date the person entitled gave notice in writing of his claim to the person liable therefor to the date of judgment.
>
> (4) Where the judgment includes an amount for special damages, the interest calculated under subsection 3 shall be cal-

culated on the balance of special damages incurred as totalled at the end of each six month period following the notice in writing referred to in subclause ii of clause *b* of subsection 3 and at the date of the judgment.

(5) Interest under this section shall not be awarded,

(a) on exemplary or punitive damages;
(b) on interest accruing under this section;
(c) on an award of costs in the action;
(d) on that part of the judgment that represents pecuniary loss arising after the date of the judgment and that is identified by a finding of the court;
(e) except by consent of the judgment debtor where the judgment is given on consent;
(f) where interest is payable by a right other than under this section.

(6) The judge may, where he considers it to be just to do so in all the circumstances,

(a) disallow interest under this section;
(b) fix a rate of interest higher or lower than the prime rate;
(c) allow interest under this section for a period other than that provided,

in respect of the whole or any part of the amount for which judgment is given."

Section 40 provides:

"40.(1) A verdict or judgment bears interest from the time of the rendering of the verdict, or of giving the judgment, as the case may be, at the prime rate established in the same manner as for the purposes of section 38, notwithstanding that the entry of judgment has been suspended by a proceeding in the action, including an appeal.

(2) The judge may, where he considers it to be just to do so in all the circumstances,

(a) disallow interest under this section;
(b) fix a rate of interest higher or lower than the prime rate;
(c) fix a date other than the date of judgment from which interest is to run,

> in respect of the whole or any part of the amount for which judgment is given.
>
> (3) This section does not apply to a verdict rendered or judgment given before this section comes into force."

7. *Your Sub-Committee's Recommendation*

Your sub-committee is of the view that, consistent with the principle underlying the recent amendments to The Judicature Act, legislation should be enacted which would clarify the existing legal position in two respects:

(i) to make it clear that interest accrues on solicitors' unpaid fees prior to their formal taxation, and is not limited to the uncertain phrase "disbursements and costs" presently found in section 35 of The Solicitors Act; and

(ii) to establish that interest should accrue not at the rate of 5% but rather at a rate more in accord with current economic conditions.

For that purpose and using the models of the recent amendments to The Judicature Act and sec. 17 of The Solicitors' Fees Act proposed by the Ontario Law Reform Commission in 1973, your sub-committee recommends that the present section 35 of The Solicitors Act be repealed and the following section substituted therefor:

> "35.(1) In this section, 'prime rate' means the lowest rate of interest quoted by chartered banks to the most credit-worthy borrowers for prime business loans, as determined by the Bank of Canada and published in the periodic publication entitled The Bank of Canada Review.
>
> (2) A solicitor may charge interest for his services, including fees, costs, charges and disbursements, from and at the prime rate existing at the expiration of one month from the submission of his account for such services to his client, and where the same are payable by an infant or out of a fund presently available the account may be submitted to a parent or guardian or the trustee or other person liable.
>
> (3) Where it appears on a review that a solicitor has been overpaid by a client or other person for the solicitor's services, including fees, costs, charges and disbursements, and the solicitor is ordered to refund the money so overpaid, the amount of the refund shall, unless otherwise ordered, be paid forthwith with interest thereon

from and at the prime rate existing on the date on which such overpayment was made."

The Committee recommended adoption of the foregoing Report.

2. The Standing Resources Development Committee when considering the Annual Report of the Ontario Highway Transport Board for 1977 recommended that "the Law Society of Upper Canada, the Minister of Transportation and Communications and the Ontario Highway Transport Board review the Code of Ethics for practitioners before the Interstate Commerce Commission (see Appendix III) with a view to establishing a similar code of conduct for members of the Ontario Bar practising before the Board and that the Minister report to the House the results of such review."

This recommendation arose as a result of that Committee being critical of the conduct of a member of the Society, he having participated in the drafting of reasons for a decision of the Highway Transport Board. The member had acted as counsel for some of the participants in the application to the Board.

The Committee considers it would be inappropriate for there to be a separate ethical code governing the conduct of those members of the profession appearing before a particular board or tribunal.

3. In the course of conducting an audit one of the Society's auditors came across a letter from a bank to the law firm concerned. This letter was advising the firm that certain borrowers from the bank, who were also clients of the firm, had requested the firm to also act on behalf of the bank in the mortgage loan. The letter set out the following undertaking to be signed by the lawyer handling the transaction: "In respect to the preparation and registration of the captioned mortgage loan, I hereby undertake to act firstly in the interests of (the Bank), and should any conflict of interest arise in the transaction, I will ensure the necessary steps are taken to protect the Bank's interest."

The Committee' attention was also drawn to another bank's "requisition to solicitor for first mortgage" which states "you are requested to search title, arrange a first mortgage and complete documentation in respect to the attached application and authorization forms. Please observe our requirements as indicated below – (if you are also acting for the applicant, please confirm in writing that your prime responsibility is to the Bank and that the Bank's interest will be protected at all times)."

The Committee is concerned that by giving the undertaking or assurance requested a lawyer would be in contravention of the provisions of Rule 5 of the Rules of Professional Conduct and in particular paragraph 4 of the Commentary thereto.

This matter was stood over for consideration. In the interim a member of this Committee will be able to informally contact the firms representing The Canadian Banker's Association and The Trust Companies Association of Canada in order to express the Committee's concern.

4. RULE 17 – DISBARRED PERSONS

R. P. Doyle was disbarred May 15th, 1964. There were four claims to the Compensation Fund on which $2,099.59 was paid out. A member of the Society has written with respect to employing Mr. Doyle pending the determination of a readmission application which Mr. Doyle apparently intends to make.

The Committee also had before it a letter from the Thunder Bay Law Association alleging that Mr. Doyle is attempting to carry on business as a real estate practitioner in Thunder Bay. The association is of the view that there may be sufficient evidence available for a prosecution. This letter has been referred to the Unauthorized Practice Committee.

The Committee is of the opinion that in the light of the allegation made by the association, the member's request should be refused.

5. Towards the end of last year a member of the Society delivered a letter to another member enclosing a separation agreement signed by her client and a certified cheque in the amount of $1,150, of which $1,000 was on account of arrears owed by her under an interim order for support. The balance of $150 was to go towards that month's payment. In her letter she

specifically stated that the cheque was to be held "strictly in escrow" pending execution of the separation agreement by the other member's client and the fulfilment of certain conditions. Shortly thereafter she was advised by letter that the other member had released the cheque to his client notwithstanding that client's failure to sign the agreement.

The Committee was of the opinion that a member who receives money in escrow must abide by the terms of the escrow or return the money.

6. A number of other matters were considered with the appropriate instructions being issued in each instance.

It was moved in Convocation, seconded and *carried* that this item be referred back to the Committee.

THE REPORT AS AMENDED WAS ADOPTED

. . . .

LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 10th January, 1980.

The following members were present: Mr. J. J. Carthy, Chairman, Messrs. Arthurs, Barr, Brulé, Catzman, Doran, Goodman, Ground, Henderson, Lamont, Lerner, Noble, Scace, Mrs. R. M. Tait, Messrs. Thom and Wardlaw.

BAR ADMISSION COURSE

FACULTY APPOINTMENTS –
Toronto, Ottawa and London as indicated

It was recommended that the following appointments be made for the teaching term which commenced September 4th, 1979:

(a) Corporate and Commercial Law:

Group Instructors (Osgoode Hall): S. D. A. Clark, D. W. Drinkwater.

Standby Instructor (Osgoode Hall): S. O. N. Grauer.

(b) Real Estate and Landlord and Tenant Section:

Group Instructors (Osgoode Hall): M. L. Caswell, B. E. LeVasseur, D. V. Thomson.

(c) Estate Planning Section:

To continue as Head of Section, J. J. Wardlaw, Q.C.

Group Instructors (Osgoode Hall): W. P. G. Allen, J. D. DeSipio, Mary Lou Dickson, A. C. Dymond, R. D. Finlayson, C. T. Fletcher, B. T. Grant, Milan Herceg, Gordon Hill, R. E. Jarman, J. F. MacDonald, Barbara MacGregor, Melville O'Donohue, H. L. Roszell, K. L. Saltzman, R. J. Sanderson, P. U. Schmidt, P. B. Shone, John Spina, J. M. Stewart, J. B. Stratton, S. Taube, W. M. Traub, M. J. White, R. R. Wozenilik.

Group Instructors (Ottawa): P. J. Davidson, R. L. Doering, S. W. Goldstein, Marc Landry, P. T. McEnery, J. N. McFarlane, Eileen Savoia.

Group Instructors (London): E. L. Elwood, L. D. Fowler, J. G. Kerr, D. J. McNamara, M. M. Pellarin.

Standby Instructors (Osgoode Hall): H. J. Alpert, P. E. Lockie, Karen Trotter.

Standby Instructor (Ottawa): Elizabeth Slasor.

Standby Instructors (London): J. R. Cowan, A. E. Wheable.

(d) Administration of Estates Section:

To continue as Head of Section, J. A. Brulé, Q.C.

Group Instructors (Osgoode Hall): M. M. K. Fitzpatrick, Maxwell Gotlieb, Susan Greer, S. A. Parker, P. J. Roche, B. A. Schnurr, M. M. K. Whitaker.

Group Instructors (Ottawa): R. W. Cleary, Marc Landry, P. T. McEnery, H. T. McGovern, J. W. Thomas, D. C. Thompson, A. R. Winship.

Group Instructors (London): H. W. Cohen, R. T. Furlonger, W. A. Petrie, A. R. Webster, A. C. Wright.

Standby Instructor (Osgoode Hall): Edward Burstein.

Standby Instructor (Ottawa): R. C. McLaughlin.

Standby Instructor (London): G. D. Wilson.

Approved

RESPONSE OF ONTARIO LAW DEANS TO SUB–COMMITTEE REPORT DATED FEBRUARY 8th, 1979

The report of the Sub-Committee to review the Bar Admission Course dated February 8th, 1979 was adopted in Convocation on February 16th, 1979. A copy of that report was forwarded to the Deans of the Ontario law schools and a response has been received, on their behalf, by letter of Dean Beck to the Chairman. The correspondence was before the Committee.

Noted

LAW PUBLISHERS' DISPLAY

The Ontario law publishers have requested permission to display their legal texts and publications to the students in the teaching term of the Bar Admission Course at Osgoode Hall. It was proposed that this display be held in the cafeteria on Monday, February 4th, 1980 under arrangements made with the Director's office. A letter dated December 3rd, 1979, from Mr. K. M. Barnett of the Carswell Company Limited, to the Director was before the Committee.

Approved

INTERNATIONAL ACADEMY OF TRIAL LAWYERS PRIZE

The International Academy of Trial Lawyers has for many years sponsored a prize in the form of a plaque to the candidate in the teaching term of the Bar Admission Course obtaining the highest combined marks in Civil Procedure I and Civil Procedure II. The Academy proposes a change in the form of the prize, by way of having a large plaque placed on permanent display in Osgoode Hall with the name of the winners engraved annually thereon. The Academy's letter, dated November 20th, 1979 addressed to the Assistant Director, was before the Committee.

Approved

PROFESSIONAL ETHICS AND LOSS CONTROL

The students in the articling term of the Bar Admission Course are to be furnished with copies of the Professional Conduct Handbook and Errors and Omissions Loss Control material. It is proposed that the articling student be required to undertake a study and learning of this material during service under articles and that during the teaching term of the Bar Admission Course questions may be asked on examinations on matters of professional conduct and loss control, relating to the area of practice covered by the examination. It is proposed that this form of examining be in lieu of any examination during the articling term.

The Committee recommends that the materials on professional conduct and errors and omissions be distributed to the students now serving under articles forthwith and to future students at the time of entering service under articles and that in the 1979-80 articling term the principals be requested to administer, to their respective students, a written examination prepared by the Legal Education Committee and that each principal be requested to certify to the Society that the examination has been so administered and that the student's written answers have been discussed by the principal with the student. The student shall file the said certificate and the written answers to the examination with the Society, together with the usual certificate of service under articles and the affidavit of service under articles.

PRACTICE ADVISORY SERVICE

Mr. Ian B. Sullivan of Belleville made proposals respecting the Society's Practice Advisory Service and with respect to changes in educational requirements in the field of law office management. Mr. Sullivan's letter addressed to the Society dated December 14th, 1979 was before the Committee.

The Committee recommended that this be referred to the Practice and Insurance Committee.

REPORT OF THE SUB–COMMITTEE ON ARTICLING INTERVIEWS

The Sub-Committee on Articling Interviews met on

December 12th, 1979 and made a report dated January 10th, 1980 which was before the Committee.

The Committee recommended that the said report be amended by changing the date for soliciting, interviewing or hiring articling students as set forth in the statement suggested by the Committee in the final paragraph of the said report, from the 1st day of June to the 15th day of May.

The Committee further recommended that the said report, as so amended, be adopted and that the Chairman of the Legal Education Committee should write to the large law firms seeking their commitment to support the report and should also write to the law schools asking them to urge their students not to make any applications for articling positions before the 15th day of May in the year in which such applicants complete their second year of law school.

The Sub-Committee's report as amended and adopted by the Committee is as follows:

Report of the Sub-Committee on Articling Interviews

> The question of what action, if any, could be taken by the Society to regulate in some manner the hiring of law students to improve the rather chaotic situation that has prevailed to date was raised by the students themselves and has been a matter of concern to them for some years. Convocation responded by passing a resolution in Convocation in May 1979 authorizing publication of the following statement:
>
> > "In fairness to the students-at-law seeking articling positions and to the firms seeking students, members are asked to refrain from interviewing or hiring students before the 15th of June in the year immediately preceding the students' entering into the third year of law school."
>
> This statement was circulated to the profession and several letters expressing varying opinions have been received from firms who customarily hire articling students. The matter came before the Legal Education Committee in September 1979 when your sub-committee composed of Messrs. Barr, Doran and Thom was appointed to study and reconsider the problem in the light of the proposals received.
>
> The sub-committee together with Mr. Collins-Williams met with student representatives in December to review the problem.

Notice of the meeting and invitations to attend had been sent to all Ontario law schools. Because of the pressure of writing or preparing for examinations student attendance was limited but four students were able to attend. Their comments were most helpful and the sub-committee feels that it has a reasonable grasp of the student attitude. Moreover, it is most desirable that the position of the Law Society should be made known as early as possible in the new year. The sub-committee accordingly presents its report.

The students said that they would like the Society to establish rules of professional conduct that would set dates before which articling interviews and hiring could not take place. The sub-committee made it clear that this was out of the question and the students recognized that it was not feasible. The students also recognized that their own organizations could not enforce sanctions to control law students who might try to "jump the gun".

All present agreed, however, that it was desirable to establish articling procedures on an orderly basis so far as that can be done. Two steps in this direction were proposed. The first is that the commencement date for articling interviews be advanced to May 15th. The students felt that this would help to relieve the pressures which build up toward the end of the school term and tend to become uncontrollable when exams are finished, while at the same time being fair to out of town students vis-a-vis the Toronto market. The second is that the Society's statement to its members be expressed in a more vigorous manner and be published earlier in the year. No revised form of words was discussed with the students.

The sub-committee suggests the following:

> "In fairness to law students seeking articling positions and to the firms which are prepared to engage students-at-law, members are urged to refrain from soliciting, interviewing or hiring applicants who are in or have just completed their second year of law school before the 15th day of May. It is recommended that applications received or presented in person before that date should simply be filed and the student advised that all applications will be dealt with only after May 15th and then in such order as the firm sees fit."

(See motion, p. 54.)

EXAMINATION IN CREDITORS' AND DEBTORS' RIGHTS

Mr. Ian Scott requested permission to make a submission on behalf of his student clients in the teaching term of the Bar Admission Course, respecting the examination in Creditors' and Debtors' Rights. Mr. Scott's submission was before the Committee.

Mr. Ian Scott appeared before the Committee on behalf of approximately 500 students in the teaching portion of the Bar Admission Course, seeking relief respecting the examination in Creditors' and Debtors' Rights; in particular, that each student be given the right to elect whether the mark on this subject be included in the record or not, or alternatively, that all marks on this subject be deleted from consideration.

Mr. Scott made oral submissions amplifying upon but basically following those set out in his written brief.

The Committee also heard from Mr. Collins-Williams who provided additional factual information as to the processing of this particular examination. He explained that it was an accepted fact that the examination did extend beyond what was represented in the bulletin to the extent that non-examinable matters were dealt with in question 3 which could have accounted for 10% of the overall examination. Without any allowance for that, the raw marking of the papers produced 53 papers with a mark below 50. Mr. Collins-Williams said that this was not exceptional. The Board of Review in its reassessment took into account the admitted error and raised all results by 4 marks. The questionable material was contained in a 10 mark part of question 3. The computer shows an average mark for the whole question of 60%. It was concluded from the 60% average that the questionable portion could not have been a total loss to the students. As a first step towards eliminating any prejudice, 4 marks were added to an assumed 6 marks for that portion. This produced 26 papers below 50. In accordance with the usual procedure, these papers were individually remarked but with special instructions that the examiner was to watch for any possibility that prejudice arising from question 3 might still be working against the student and to be certain that the candidate did not fail on this account. This remarking produced the 6 failures shown on the bell curve chart.

The Committee had a full debate following the submissions and concluded that the examination clearly did exceed what the students were led to expect as indicated above, but that it was not satisfied that the other ground argued by Mr. Scott, to the effect that the examination was not directed to concepts as promised in the bulletins, was made out. The Committee regrets that any error was made and on behalf of the Society accepts responsibility for it but feels that the steps taken, as outlined by Mr. Collins-Williams, satisfactorily rectified any possible prejudice. The Committee therefore recommended that no relief be granted on the application.

(See motions, pp. 51, 52, 53 and 54.)

SPECIAL PETITIONS

The Committee had six petitions before it for consideration. Two were from petitioners who had obtained C.E.G.E.P. qualifications, proceeded directly into studies at the Faculty of Law of McGill University and subsequently received B.C.L. and LL.B. degrees, without completing the requisite one year course of university study in a non-law programme. One petitioner expects to be called to the Bar of Alberta in July 1980 and the other has moved to Ontario where her husband has begun a three-year course leading to a Master's degree. Both petitioners sought permission to enter the Bar Admission Course and submitted petitions to the Admissions Committee as well as to this Committee. In each case the Committee recommended that the petition be denied and the petitioner advised that the successful completion of one year of university study in a non-law programme is required to complete qualification for admission to the Bar Admission Course.

Three petitioners sought permission to defer entry into the teaching term of the Bar Admission Course. One petitioner who had been granted one-year deferrals on three previous occasions sought a further deferral until September 1982 to permit her to complete the final two years of a three-year teaching appointment at the Faculty of Law, Victoria University of Wellington, New Zealand. The petition was granted. The second petitioner had applied for admission to a Master of Laws programme at Harvard University but is also considering other American universities, and wished to defer entry into the teaching term until September 1981. The Committee recommended that the petition be allowed subject to the condition that the petitioner spends the 1980-81 academic year in post-graduate study in law at a recognized law school. The third petitioner wished to complete a one-year term of articles with a member of the Israeli Bar in Israel and sought a deferral to September 1981 to enable him to do this. The petition was allowed.

One petitioner sought permission to withdraw from the current teaching term because of personal reasons and to be readmitted to the teaching term commencing in September 1980. The petition was allowed.

GENERAL

THE SIXTH COMMONWEALTH LAW CONFERENCE

The Sixth Commonwealth Law Conference will be held in Lagos, Nigeria during the week August 17th to 23rd, 1980. The Director had been asked to attend and give a paper on legal education. The Chairman had asked that this matter be put before the Committee. The Conference letter dated November 20th, 1979 addressed to the Director was before the Committee.

The Committee recommended that the Director attend the conference at the expense of the Society.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Education for the period from 1st July, 1979 to 31st December, 1979; and reviewed a summary of the Continuing Education programmes presented in November and December, 1979 and the Continuing Education publications report for the months of November and December, 1979.

. . . . .

It was moved in Convocation, seconded and *lost* that Mr. Ian Scott be invited to attend before Convocation to make submissions respecting the *Examination in Creditors' and Debtors' Rights (p. 49).*

It was moved and seconded that the students have the option of accepting their mark on the examination on Creditors' and Debtors' Rights or of having their paper marked "passed by administrative decision".

Consideration of the motion and the Report was interrupted for other business. *(See pp. 53-4.)*

....

CALL TO THE BAR

The Honourable Jacques Flynn, P.C., Q.C., Minister of Justice and Attorney General of Canada, was presented to the Treasurer and Convocation, was called to the Bar and the degree of Barrister-at-law was conferred upon him by the Treasurer.

....

BENCHER EX OFFICIO

Upon his Call to the Bar, The Honourable Jacques Flynn, Minister of Justice and Attorney General of Canada, became a Bencher ex officio of the Law Society pursuant to Section 12(1)1 of The Law Society Act. The Treasurer welcomed Senator Flynn to the Bench and invited him to take his place among his fellow Benchers.

....

PRESENTATION OF LETTERS PATENT AS QUEEN'S COUNSEL FOR ONTARIO TO THE HONOURABLE JACQUES FLYNN

The Honourable R. Roy McMurtry, Minister of Justice and Attorney General for Ontario, announced the appointment of The Honourable Jacques Flynn as one of Her Majesty's Counsel learned in the law in Ontario and presented Letters Patent to Senator Flynn.

....

CONVOCATION ADJOURNED AT 12:00 NOON

....

The Benchers proceeded to Court of Appeal No. 1 to attend the ceremony before The Honourable W. G. C. Howland, Chief Justice of Ontario, when The Honourable Jacques Flynn took the usual oaths and signed the Rolls before the Chief Justice, presented his Patent as Queen's Counsel in Ontario and was invited by the Chief Justice to take his place inside the Bar.

Following the ceremony, Senator Flynn was the guest of the Benchers at luncheon. The following were also guests of the Benchers at luncheon: The Honourable W. G. C. Howland, Chief Justice of Ontario; The Honourable Gregory T. Evans, Chief Justice of the High Court of Justice of The Supreme Court of Ontario; Mr. Rowland Ball, President of the Law Institute of Victoria, Melbourne, Australia; and two members of Senator Flynn's staff, Mr. Gerald McCracken and Mr. Roger LeClaire, both members of the Society.

....

CONVOCATION RESUMED AT 2:30 P.M.

....

PRESENT:

The Treasurer and Messrs. Affleck, Arthurs, Barr, Bowlby, Brulé, Carnwath, Carter, Carthy, Cass, Catzman, Chadwick, Cooper, Farquharson, Ferrier, Furlong, Genest, Ground, Lamont, Mrs. Legge, Messrs. Lerner, Lochead, McWilliams, Noble, Ogilvie, Pepper, Ruby, Scace, Shaffer, Shibley, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wardlaw and Yachetti.

....

LEGAL EDUCATION COMMITTEE (Continued)

Convocation resumed consideration of the Report of the Legal Education Committee and the motion that was placed before it *(pp. 51-2).*

The motion was *lost.*

It was moved, seconded and *lost* that the item respecting the *Report of the Sub-Committee on Articling Interviews* be deleted and that the recommendation of the Committee on the subject, adopted by Convocation on 18th May, 1979, be rescinded.

THE REPORT WAS ADOPTED

....

DISCIPLINE COMMITTEE – Mr. Carnwath

Re: EDWARD HENRY LUCK, Q.C., Etobicoke

This matter was before Convocation on Friday, 16th November, 1979, when the solicitor attended with his counsel, Mr. Allan Mandel, and the Society was represented by Mr. Robert R. Reuter. The reporter was sworn.

Counsel for the solicitor asked that the matter be adjourned because senior counsel was unable to attend.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that the matter be adjourned to the regular Convocation in January 1980.

It was moved and seconded that the solicitor be required to undertake not to engage in practice pending the disposition of the matter.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motions before Convocation.

The solicitor was prepared to give the undertaking.

The solicitor, counsel and the reporter withdrew.

The motion by way of amendment was *carried.*

The motion that the matter be adjourned as amended was *carried.*

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of Convocation's action.

The solicitor, counsel and the reporter retired.

On Friday, 18th January, 1980, the matter again came before Convocation.

The reporter was sworn.

Messrs. Brulé, Catzman and Cooper withdrew from Convocation, took no part in the discussion and did not vote.

The solicitor attended with his counsel, Mr. Clay Powell, Q.C. The Society was represented by Mr. John Sopinka, Q.C.

The reading of the Report of the Discipline Committee, dated 17th October, 1979, was waived. The Committee found that the solicitor was guilty of professional misconduct and that he had misappropriated about $15,000 belonging to clients, borrowed $3,000 from a client in contravention of the Professional Conduct Rules and failed to maintain the books and records required by the Society's regulation.

Mr. Powell made no objections to the Report of the Discipline Committee.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 17th October, 1979, wherein the solicitor was found guilty of professional misconduct, be accepted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Report of the Discipline Committee had been accepted by Convocation.

Convocation was advised that the Recommendation as to Penalty of the Discipline Committee was that the solicitor be disbarred.

Counsel for the solicitor made submissions as to penalty. He called ten witnesses (including the Mayor of the municipality in which the solicitor practised, a school principal, five prominent members of the Bar and three real estate brokers) who were sworn and gave evidence as to the solicitor's character and reputation. He also filed six letters, which were marked as exhibits, from a Judge of the Supreme Court of Ontario and five prominent members of the Bar respectively, with respect to the solicitor's character and reputation.

Counsel for the Society made submissions.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

It was moved and seconded that the solicitor be suspended from practice for a period of six months.

It was moved and seconded that the solicitor be suspended from practice for a period of two years.

The first motion that the solicitor be disbarred was *carried.*

The third motion was *withdrawn* and the second motion was *not put*.

The solicitor and counsel were informed of Convocation's disposition of the matter.

NOTE: On Friday, 8th February, 1980, the Society received a Notice of Appeal, bearing the same date, from solicitors on behalf of the former member that an appeal to the Divisional Court of The Supreme Court of Ontario from the Order of Convocation would be made.

. . . .

LIBRARIES AND REPORTING COMMITTEE– Mr. Farquharson

Mr. G. H. T. Farquharson, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Wednesday, 9th January, 1980.

The following members were present: Messrs. Farquharson (Chairman), Lerner, Mrs. Tait, Messrs. Willoughby and Yachetti, and Miss A. R. McCormick and Mr. D. V. Burnett, Finance Administrator.

COUNTY AND DISTRICT LAW LIBRARIES

1. The Committee discussed the debits and the credits which

existed on the books of the Central Administrative Program as a result of previous allocations. The Committee recommended that the practice of allowing County Associations to exceed their book allotment is to cease immediately and henceforth no County Association will be permitted to purchase books through the Central Administrative Program in excess of the funds standing to its credit. Unfilled orders for books already placed on behalf of a County Association now in a debit position are either to be cancelled or charged against the allotment to be made for that County Association from the Law Foundation grant dated December 3rd, 1979. The funds presently on hand are to be balanced by charging the total debits against the total credits and reducing the individual County Association credit balances proportionately. When the necessary adjustments have been made, the Chief Librarian will prepare a statement showing the individual County Association credit balances as of January 9th, 1980 (not including any allotment from the Law Foundation grant dated December 3rd, 1979). The members of the Committee are to receive a copy of such statement and the County Associations are to be advised of the funds standing to their credit as of that date for the purchase of books through the program.

2. Out of the Law Foundation grant of $250,000 dated December 3rd, 1979, the sum of $52,294 will be set aside to pay for the Central Administrative Program to June 30th, 1980 and the balance of $197,706 is to be allotted to the various County Associations according to the formula recommended in the interim report of the Sub-Committee on Grants dated October 10th, 1979 (the Lerner Formula) as developed for the Committee by Mr. Burnett and reduced pro rata in light of the amount of the grant.

3. The Law Society grants under Section 34 of the Regulation made under The Law Society Act will continue to be disbursed separately as and when the individual County Associations have complied with the regulations relating thereto by filing their Annual Returns.

THE REPORT WAS ADOPTED

....

Mr. Farquharson presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 10th January, 1980.

The following members were present: Messrs. Farquharson (Chairman), Lerner, Strauss, Mrs. Tait, Messrs. Willoughby and Yachetti, and Miss A. R. McCormick.

GREAT LIBRARY

BOOK LIST

A list of books recently purchased was submitted for approval. Several books were deferred until the next meeting of the Committee. The remaining books on the list were approved.

GIFTS AND DONATIONS

The following donations of books were received in the Great Library:

Miss B. Adelman, Barrister, Toronto	A number of loose parts for the years 1972 – 1979
Noranda Mines Limited Toronto	72 Volumes, comprising Statutes, Citators and Texts

Noted

COUNTY AND DISTRICT LAW LIBRARIES

YORK NORTH LAW ASSOCIATION

The request from York North Law Association for funding its law library in 1980 was considered. The Committee recommended that this matter be deferred until the Chief Librarian investigates the needs of this Association.

DISTRICT OF KENORA LAW ASSOCIATION

The request from the above Law Association for $3,000 was considered by the Committee. The Committee recommended that a special grant up to $3,900 be made to the Kenora Law Association subject to the Chief Librarian being assured that the funds are to be used for library purposes.

ONTARIO REPORTS

The Committee discussed the question of competitive bids by publishing companies to publish the Ontario Reports. The Committee recommended that Mr. D. V. Burnett, the Finance Administrator, contact Butterworths, Carswell Co. Ltd., C.C.H. (Canadian) Limited and Richard DeBoo Limited and whatever other companies Mr. Burnett feels would be interested.

THE REPORT WAS ADOPTED

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PRACTICE AND INSURANCE COMMITTEE—Mr. Brulé

Mr. J. A. Brulé, Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 10th January, 1980.

The following members were present: Messrs. Brulé (Chairman), Chadwick, Farquharson and Mrs. Legge. Mr. Hargraft and Miss Joan Morham were present at the Chairman's request.

PREMIUM STABILIZATION FUND

A letter was before the Committee from Mr. Morland of Marsh & McLennan Limited together with the schedules he refers to showing the position of the Premium Stabilization Fund as at October 31st, 1980.

Noted

ACCOUNT

An account in the amount of $1,002.40 from Mr. W. L. N. Somerville was before the Committee for its approval for payment.

Approved

PRACTICE ADVISORY SERVICE

A letter was before the Committee from Mr. Ian Sullivan of Belleville containing suggestions respecting the Practice

Advisory Service.

Noted

LOSS PREVENTION PROGRAMME

Letters were before the Committee from Mr. Edward Jupp and Mr. Keith Wright respecting the Society's Loss Prevention Programme.

Noted

ADJUSTERS' FEES

Lists of the fees paid in December, 1979, to adjusters under the old Fund, the 1977 Fund, the 1978 Fund and the 1979 Fund were before the Committee.

Noted

COUNSEL FEES

A list of the fees paid to Counsel during December, 1979, was before the Committee.

Noted

MONTHLY REPORT

Mr. Hargraft's monthly report was before the Committee.

Noted

LEGAL AID CLINICS – INSURANCE

The Committee was advised that the Clinical Funding Committee is arranging for liability insurance to cover employees of the various clinics it funds, including lawyers, which will make it unnecessary for coverage to be extended to the clinics by the Society's insurance plan.

The Committee approved of this development.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON PAYMENT OF LEGAL ACCOUNTS BY CREDIT CARD

Mr. J. D. Ground, Chairman, presented the Report of the Special Committee on Payment of Legal Accounts by Credit Card dated 30th October, 1979. Consideration of the Report had been adjourned from the November Convocation.

The Special Committee was appointed by Convocation in June of 1978 with Mr. Ground as Chairman and Messrs. Orkin and Pomerant as members. The appointment of the Committee followed upon a decision of the Professional Conduct Committee that it would not be improper for solicitors to accept credit cards in payment of their accounts. A number of Benchers raised questions as to the type of arrangements that would be entered into between the credit card companies and law firms and as to whether the payment of accounts by credit card would be in conflict with any of the provisions of The Law Society Act and Regulation, The Solicitors' Act, etc. The Special Committee was appointed to consider these matters.

The Committee initially considered what role the Law Society ought to take in the matter of arrangements between the credit card companies and law firms. In view of the several problem areas outlined above, it was agreed that the Committee should meet with representatives of the major credit card companies and attempt to settle with them as many of the problems as possible and to review the standard form of member agreements and suggest changes to make the agreement suitable for use where the member is a law firm. It was decided that only three of the credit card companies should be contacted by the Committee being Chargex, Master Charge and American Express.

A. With respect to the arrangements between the credit card companies and the law firms, the Committee isolated certain problem areas for consideration as follows:

1. *The necessity for the law firm to maintain two separate accounts for credit card transactions, i.e. a general account and a trust account and for all credit card sales slips and vouchers to be identified as general account or trust account.*

The credit card companies have agreed that to operate in this manner would be acceptable and that all general charges charged by the credit card company to the law firm would be charged to the law firm's general account not to its trust account.

2. *The situation where the legal fee is in excess of the credit limit available to the cardholder client.*

The credit card companies have agreed that, in this situation, the law firm may either call the credit card company and request it to approve the increased amount, or the law firm may bill the excess to the client in the usual manner.

3. *The amount of detail as to services performed which would be required to be given by the law firm to the credit card company.*

The credit card companies have agreed that the sales slip need only state "legal services – $X".

4. *Whether law firms would be required to accept credit card payment from all clients or whether they could refuse to accept credit card payment from certain clients.*

The credit card companies require that the member (the law firm) accept a credit card tendered by any client. In this connection, the credit card companies advise that credit cards are not issued to corporations and business entities so that presumably, only individual clients would be effecting payment of legal accounts by credit cards.

5. *The situation where a legal account paid by credit card is subsequently taxed and reduced.*

The credit card companies insist in this case that the amount to be refunded be by way of a credit card voucher addressed to the client.

6. *Whether the credit card companies would accept all law firms as members and would provide the same "discount" and "floor limit" to all law firms.*

The "discount" is the service charge made by the credit card company to the member which is a percentage of the total credit card sales slips issued by a member in any given period of time and the "floor limit" is the maximum amount which the credit card company will be obliged to honour in respect of any single transaction with a member. The credit card companies take the position that they will have to be free to terminate any member (law firm) if their experience with that law firm is not satisfactory. They also take the position that, whereas each bank will apply discount rates for all law firms based on the same discount schedule, the rate applicable to a particular law firm will depend upon the volume of business through that member in the same way as with any other group of members. As noted below, Chargex insists on having the flexibility to specify different floor limits for different law firms depending upon volume, their experience with such law firm, etc.

7. *Whether a law firm would be required to display the decal or desk sign of the credit card company on its premises.*

The credit card companies have agreed that this will not be necessary. In this connection, it should be noted that the rules of professional conduct with respect to letterheads and professional cards would not appear to permit the facility for credit card payment to be indicated on letterheads or professional cards. It is suggested that on the law firm's statement of account, or on a separate memo accompanying the statement of account, the availability of credit card payment could be indicated with a space for the client to check off Chargex, Master Charge, etc., fill in his number and sign.

8. *The question of the payment of a retainer by use of credit card.*

In this connection, the original sales slip would indicate trust account and would be deposited to the member's trust account along with cheques for trust account transactions. When the fee is ultimately rendered, the amount of the retainer would be transferred to the law firm's general account and any excess retainer would be refunded to the client by way of a credit card voucher on the trust account.

B. In our discussions with the three named credit card companies, it became evident that American Express was not at all interested in having law firms as members and after an initial discussion with them, the matter was not pursued. With respect to Chargex and Master Charge, both companies are interested in having law firms as members. However, in the case of Chargex, there are certain provisions of the Chargex Professional Member Agreement with which this Committee is not entirely satisfied, as follows:

1. The agreement will provide that the bank may refuse to credit an account of a member, or may charge back to the account of a member, the amount of any sales slip where the transaction evidenced by the sales slip is for any reason "illegal, null or invalid".

2. In the provision of the agreement dealing with the bank issuing directions regarding the procedures to be followed and prescribing forms, Chargex would not agree to a limitation stating that they would not be binding upon the member if such directions or the terms of such forms contravene any laws or rules governing the legal profession.

3. Chargex would not agree to a uniform floor limit for each law firm.

C. With respect to the legislation examined by it, the Committee would make the following comments:

1. It does not appear that a credit card sales slip would be a "bill" within the meaning of The Solicitors' Act and, assuming that the sales slip merely indicates "legal services – $X", it would not appear that it contains a reasonable statement or description of the services rendered as required by Section 2(3) of The Solicitors' Act. Accordingly, it follows that, on the basis of a credit card sales slip alone, a lawyer could not bring action for recovery of legal fees nor obtain a taxation order. Similarly, it would appear that payment by a credit card sales slip may not be payment within the meaning of Section 10 of The Solicitors' Act. Accordingly, as stated above, the Committee feels that it should be brought to the attention of solicitors that a regular statement of account should be submitted and the credit card sales slip received in payment in the same way as a cheque would be received in payment after the submission of the account.

The Committee did not feel that a credit card sales slip is an agreement between a lawyer and a client "respecting the amount and manner of payment" of a lawyer's fees within the meaning of Section 18 of The Solicitors' Act, thereby requiring (in the case of court matters) the taxing officer's prior approval under Section 19. It was the view of the Committee that this credit card sales slip constituted merely a mode of payment similar to a cheque and not the kind of agreement contemplated by Section 18.

The Committee did not feel that the payment of legal fees by way of credit card was in contravention of any of the provisions of The Law Society Act.

It did appear, however, that certain amendments were required to the Regulation under The Law Society Act. It would appear that in Section 17(c) of the Regulation, the definition of "money" should be expanded to include "credit card sales slips" so that the definition would read:

> "(c) 'money' includes current coin, government or bank notes, cheques, drafts, credit card sales slips, post office orders or express or bank money orders."

The Committee also felt that Section 18(13) of the Regulation should be amended to include credit card sales slips in what constitutes trust funds so that the section would read:

> "18(13) For the purposes of subsections (8) and (12), cash or a certified cheque or cheques negotiable by the member or cheques drawn by the member on his trust account or credit card sales slips, in the possession and control of the member, shall be deemed to be money held in the trust account if such cash or cheques or credit card sales slips received are deposited in the trust account not later than the next banking day."

The Committee also considered whether the acceptance of payment of legal accounts by way of credit card conflicted with any of the rules of professional conduct. Commentary 3 to Rule 4 states:

> "3. As a general rule, the lawyer should not disclose that a particular person has consulted or retained him about a particular matter unless the nature of the matter requires it."

The proposal with respect to credit cards would simply require the law firm, when contacting the credit card company, to determine the availability of credit and subsequently when the sales slip is received by the credit card company, to disclose that the law firm is intending to perform or has performed legal services on behalf of Mr. X and accordingly, as the nature of those services is not identified, the Committee feels that there would be no breach of Rule 4, the card being used at the client's request.

The Committee also discussed with Mr. Robert Anderson the question of whether the proposal for payment of legal accounts by credit card would, in his opinion, create any problems under the Regulation relating to books, records and accounts or under the forms filed by solicitors with respect to their accounts. Aside from the two suggested amendments to the Regulation referred to above, Mr. Anderson could not see any other problems arising from the use of credit cards to make payment of legal accounts.

D. RECOMMENDATIONS

The Committee recommended as follows:

1. That the profession be advised by a note in the Communiqué that the Committee has concluded discussions with Chargex and Master Charge and that a form of agreement suitable for use as between the credit companies and law firms has been negotiated with each of Chargex and Master Charge.

2. That the Legislation and Rules Committee be asked to consider the necessary amendments to Sections 17(c) and 18(13) of the Regulation under The Law Society Act.

THE REPORT WAS ADOPTED

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DISCIPLINE COMMITTEE (Continued)

GENERAL

Mr. J. D. Carnwath, Chairman, presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 10th January, 1980.

The following members were present: Messrs. Carnwath (Chairman), Bynoe (Vice-Chairman), Cass, Cooper, Furlong, Mrs. Sutherland and Mr. Willoughby.

COMPLAINTS

In 1977 members of the Secretariat found it necessary to write to members of the profession as a result of complaints received on 1,507 matters. In 1978 the figure was 1,559. In 1979 the Secretariat wrote on 1,837 matters. This is an increase of almost 18% over the figure for 1978.

RULE 18 – BORROWING FROM CLIENTS

Recently two solicitors appeared before a quorum of the Discipline Committee on Invitations to Attend dealing with borrowing from clients. Both of these lawyers were not aware that independent legal advice was not sufficient under Rule 18(1)(b). In recent weeks it has been apparent that other lawyers also were not aware of the difference between "legal advice" and "legal representation". It was therefore recommended that the Secretary include in the Communiqué an appropriate notice to the profession on this point.

FINES

While it is recognized that there must be a penalty that in severity is between a reprimand in Convocation and disbarment, there has been from time to time the view expressed that a suspension is not appropriate for several reasons. After a thorough discussion the Committee recommended that appropriate amendments to the Act be sought to add as a penalty, the power to fine. The proceeds of such fines would be retained by the Society.

PUBLIC DISCLOSURE OF MATTERS DEALT WITH AT THE COMMITTEE LEVEL

Concern has been raised as to the inability of the Law Society to appear to have responded to matters involving members which have received considerable publicity. If such matters have been disposed of by way of an Invitation to

Attend or a reprimand in Committee, the current practice is to treat these situations as confidential with no public disclosure being made. The members of the Committee were asked for their views as to what is the paramount obligation – is it to the individual member or to the profession and public as a whole? After a full discussion the Committee has concluded that there should be no change in the present procedures, that is to say, if a matter is dealt with by way of an Invitation to Attend or if a Complaint results in a reprimand in Committee, there will be no publicity as to the name of the lawyer concerned or the subject matter of the discipline proceedings.

THE REPORT WAS ADOPTED

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COMPENSATION FUND SUMMARY

Mr. Carnwath presented the Compensation Fund Summary for the period ended 31st December, 1979.

COMPENSATION FUND

For the Period from 1st July, 1979 to 31st December, 1979

(6 months)

TOTAL RECEIPTS	$ 642,570.67
TOTAL DISBURSEMENTS	$ 386,496.19
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 256,074.48
BALANCE OF FUND at beginning of period	$1,558,782.05
BALANCE OF FUND at end of period	$1,814,856.53
CLAIMS RECEIVED and in the course of being processed at end of period	$5,584,942.06

THE SUMMARY WAS RECEIVED

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COMPENSATION FUND REPORT

Re: JAMES H. PEARSON
(disbarred lawyer)

Mr. Carnwath presented the Report of the Discipline Committee, dated 15th January, 1980, with respect to applications to the Compensation Fund arising out of the practice of

James H. Pearson, a disbarred lawyer.

James H. Pearson was disbarred on 27th July, 1976.

The Discipline Committee met on Tuesday, December 11th, 1979, the following members being present: Messrs. McWilliams (Chairman), Furlong and Mrs. Legge.

The Committee considered carefully the Report of the Referee, The Honourable John Aylesworth, Q.C., on the five claims of former clients of James H. Pearson, in respect of which further submissions were made after the Committee and Convocation disallowed these claims.

The Committee's Report dated May 9th, 1979, was considered and approved by Convocation on May 18th, 1979. In that report the Committee disallowed four claims on the basis that they were joint venture investments with the former solicitor and the claimants were in most instances of superior education, often well versed in business matters and had previously invested money through the former solicitor. The Committee also disallowed one claim by an Estate which had been disallowed by the Referee.

After hearing further submissions from counsel for the five claimants and viva voce evidence from some of the claimants the Committee concluded that some claimants whose claims were allowed by the Referee and approved by the Committee and by Convocation were also joint ventures with the former solicitor and not otherwise distinguishable from the claims under appeal and it would be equitable to allow the four claims in respect of which further submissions were made on this point. The fifth claim by an Estate was disallowed again by the Committee.

The Committee also considered submissions of counsel for the Law Society and for the claimants regarding the $150,000 discretionary limit per solicitor. These submissions by counsel for the claimants indicated that since the Committee had already exercised its discretion (and Convocation approved) to exceed the $150,000 discretionary limit and since $329,808.41 had been paid out of the Compensation Fund to 32 claimants, the hardship as evidenced by the testimony of some of the claimants would justify that the further amount of $69,260.76 be paid out to four of the five claimants as set out below. To be consistent with one award of the Referee the Committee recommended that the claims of William A. Calvert and Mrs. William

A. Calvert be treated as two claims with each claimant being paid $20,000 out of the Fund. Otherwise the Committee recommended that the Referee's Report be adopted with respect to the claims of William A. Calvert, Mrs. William A. Calvert, H. R. Honeywell, Elizabeth Watson and James Wright and that the claimants not be paid any amount in excess of the Referee's Report. The fifth claimant was the Estate of James A. Calvert and the Committee recommended that the Referee's Report indicating that no payment be made be approved.

The Referee will be making a further report on the five claims totalling $246,000 which are being held in abeyance pending the outcome of litigation.

The Committee considered and recommended that based on the evidence and the further submissions the following payments be made:

Claimant	*Amount Claimed*	*Referee's Report*	*Amount Recommended*
Wm. A. Calvert	$ 26,856.00	$25,000.00	$20,000.00
Mrs. W. A. Calvert	26,856.00		20,000.00
Estate of J. A. Calvert	10,490.00	Nil	Nil
H. Rice Honeywell	15,581.07	10,660.76	10,660.76
Elizabeth Watson	7,300.00	7,300.00	7,300.00
James Wright	15,000.00	11,300.00	11,300.00
TOTAL	$102,083.07	$54,260.76	$69,260.76

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. Tobias

Mr. P. B. Tobias, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 10th January, 1980.

The following members were present: Messrs. Tobias (Chairman), Furlong, Mrs. Legge, Messrs. Strauss and White.

1. Several accounts were approved.

2. A letter was received from a solicitor indicating that an individual was acting as a solicitor and advising his client in

Divisional Court and Provincial Court. The Committee recommended that this matter be referred to counsel for an opinion as to whether there is sufficient evidence to commence a prosecution.

3. A solicitor complained that a Notary Public was giving legal advice in a real estate transaction. The Secretary was instructed to refer this matter to counsel for an opinion.

4. The Committee considered a report from counsel for the Law Society concerning Michigan attorneys practising law in Ontario. The Secretary was instructed to close the file as there was insufficient evidence of unauthorized practice.

5. Several letters were received complaining that a New Brunswick solicitor was holding himself out to be an Ontario solicitor and indicating in form letters that he would give legal advice. The Secretary was instructed to write to the individual and indicate that he should remove the words barrister and solicitor and the Ontario address from his letterhead.

6. A letter was received alleging that an individual who was a Certified General Accountant was giving legal advice. The Secretary was instructed to refer this matter to counsel for an opinion.

7. Information was given to the Society that a disbarred solicitor was giving legal advice in real estate matters. The Secretary was instructed to refer this matter to counsel for a prosecution if there was sufficient evidence.

8. Several letters were received indicating that a company was giving legal advice and incorporating companies. The Secretary was instructed to refer this matter to counsel for a prosecution.

9. A solicitor wrote complaining that a company was holding itself out as a solicitor by using the designation "Litigation Department". The Secretary was instructed to write to the company and find out the names of the solicitors in their Litigation Department.

10. A letter was received from a solicitor advising that a collection agency was using the heading "Legal Writ of Summons" in its collection letters. The Secretary was instructed to close the file since the collection agency had agreed to amend the wording deleting the words "Legal Writ of Summons".

11. Counsel for an individual acquitted by the Provincial Court wrote requesting a copy of the Reasons for Judgment in a similar case in which the individual prosecuted by the Law Society was also acquitted on a charge of holding himself out to be a solicitor. The Secretary was instructed to write counsel for the individual and indicate that the Reasons for Judgment can be obtained from the Provincial Court as the Society does not have a copy.

THE REPORT WAS ADOPTED

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LEGISLATION AND RULES COMMITTEE–Mr. Furlong

Mrs. L. L. Legge presented the Report of the Legislation and Rules Committee of its meeting on Thursday, 8th November, 1979.

The following members were present: Messrs. Furlong (Chairman), Cass and Doran, and Mrs. Legge.

SUBSECTION 10 OF SECTION 18 OF THE REGULATION

This Committee's report of 11th October 1979, which was adopted by Convocation on 19th October, 1979, contained the following item:

> " At its June 1979 meeting, the Policy Section of the Discipline Committee noted that subsection 10(b) of section 18 of the Regulation states that a cheque drawn on a trust account shall not be signed by a person who is not a member except in exceptional circumstances, and except when the person is bonded in an amount at least equal to the maximum balance on deposit during the immediately preceding fiscal year of the member in all the trust accounts on which signing authority has been delegated to the person. Members of the profession from time to time have asked whether it is appropriate to have a non-member countersign cheques.

That Committee's report which was approved by Convocation on the 15th of June 1979 expressed the opinion that there is nothing improper with such countersigning provided that the other signatory is a lawyer.

In order to overcome this confusion, the Committee recommended that an appropriate amendment be made to the Regulation and that the matter be referred to your Committee for that purpose.

Your Committee now recommends that subsection 10 of section 18 of the Regulation be amended to read as follows:

18.–(10) A cheque drawn on a trust account,

- (a) shall not be made payable either to cash or bearer; and
- (b) shall be signed *by at least one member* except in exceptional circumstances, and except when *a* person *signing* is bonded in an amount at least equal to the maximum balance on deposit during the immediately preceding fiscal year of the member in all the trust accounts on which signing authority has been delegated to *such* person."

Subsequent to that, a member of Convocation pointed out that in his opinion there was some difficulty with the wording and suggested that it should read as follows:

18.–(10) A cheque drawn on a trust account,

- (a) shall not be made payable either to cash or to bearer; and
- (b) shall be signed by at least one member, except in exceptional circumstances and *where the* person signing is bonded in an amount at least equal to the maximum balance on deposit during the immediately preceding fiscal year of the member in all the trust accounts on which signing authority has been delegated to such person.

Therefore, the matter went back to this Committee's agenda. In order to assist in determining if this objection was valid, the Committee felt it advisable to receive Convocation's views as to whether the requirements in the Regulation are to be alternative or cumulative.

THE REPORT WAS RECEIVED

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SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. P. B. C. Pepper, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 10th January, 1980.

The following members were present: Messrs. Pepper (Chairman), Tobias and Mrs. Legge.

APPLICATION

In November the Committee recommended and Convocation approved that a grant be made to an unemployed lawyer who had been offered a job on the understanding that he would be reinstated as a member of the Society. The grant in the amount of $855 was to be made payable to the lawyer and the Law Society and used to pay his arrears of fees.

The lawyer commenced work but after two weeks discontinued. He advised the Society that he had applied for vocational retraining with a view to working outside the practice of law and did not want to use the grant to put him in good standing. The cheque for $855 was returned and in a letter dated 14th December, 1979, he asked that consideration be given to a grant to buy winter clothing and pay current rent, as he was destitute. On the authorization of the Chairman, a grant of $500 was made and the Committee was asked to ratify this action.

Approved

THE REPORT WAS ADOPTED

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CONVOCATION ROSE AT 5:15 P.M.

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Confirmed in Convocation 15th February, 1980.

G. D. FINLAYSON
Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 15th February, 1980
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Arthurs, Barr, Bowlby, Brulé, Bynoe, Carnwath, Carter, Carthy, Cass, Catzman, Chadwick, Doran, Farquharson, Ferrier, Furlong, Genest, Ground, Lamont, Mrs. Legge, Messrs. Lerner, McWilliams, O'Brien, Ogilvie, Outerbridge, Pepper, Ruby, Scace, Shaffer, Sheard, Shibley, Strauss, Mesdames Sutherland and Tait, Messrs. Thom, Wardlaw and Yachetti.

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MINUTES

The Minutes of Convocation of 18th January, 1980 were confirmed.

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APPOINTMENT OF SPECIAL COMMITTEE ON LIMITATIONS

The Treasurer announced that he had appointed a Special Committee on Limitations composed of Mr. *Barr* as Chairman and Messrs. *Catzman* and *Doran*. The Special Committee will study the draft new Limitations Act to consider how its provisions would affect practitioners and then report to Convocation. The draft Act is based on recommendations made by the Ontario Law Reform Commission and is designed to reduce to only a few the present multiplicity of limitation periods.

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APPOINTMENT TO SPECIAL COMMITTEE ON OFFICE OF THE TREASURER

The Treasurer informed Convocation that he had added Mr. *Barr* to the Special Committee on the Office of the Treasurer. The Special Committee is composed of the following: Mr. Robinette, Chairman, and Messrs. Barr, Bowlby, Brulé, Bynoe, Carnwath, Fennell, Ogilvie and Thom.

. . . .

DISCIPLINE COMMITTEE–Mr. Carnwath

Re: GORDON RONALD RAMM, Hamilton

Mr. J. D. Carnwath, Chairman, placed the matter before Convocation.

The reporter was sworn.

Mr. Yachetti withdrew from Convocation, took no part in the discussions and did not vote.

The solicitor was not present and no one appeared on his behalf. Mr. Chris G. Paliare represented the Society.

Mr. Paliare read a letter dated 14th February, 1980, from Mr. Michael Rinaldo to the Society. In this letter Mr. Rinaldo advised that Mr. Simon Rosenfeld, counsel for the solicitor, was absent from the country, that he (Mr. Rinaldo) had been unable to contact the solicitor and consequently was unable to advise whether or not the solicitor would attend Convocation but that so far as he was aware, Mr. Rosenfeld had had no further communication from the solicitor since before the hearing on 15th January, 1980.

Convocation had before it the Report of the Discipline Committee dated 30th January, 1980, together with an Affidavit of Service dated 31st January, 1980, by Brian Ross Fraser, to the effect that service was made on the solicitor by registered mail on 30th January, 1980.

Convocation waived the reading by the Secretary of the Decision of the Discipline Committee, dated 30th January, 1980, wherein the solicitor was found guilty of professional misconduct and conduct unbecoming a barrister and solicitor. He had misappropriated over $18,000 of client's funds, failed to honour an undertaking, sworn a false affidavit and failed to maintain the required accounting records.

Counsel and the reporter withdrew.

It was moved and seconded that the Report of the Discipline Committee, dated 30th January, 1980, wherein the solicitor was found guilty of professional misconduct and conduct unbecoming a barrister and solicitor be accepted.

Counsel and the reporter returned.

Counsel was advised of the motion before Convocation.

Counsel and the reporter withdrew.

The motion that the Report be accepted was *carried*.

Counsel and the reporter returned.

Counsel was advised of the acceptance of the Report of the Discipline Committee.

Convocation was advised that the Recommendation as to Penalty of the Discipline Committee was that the solicitor be disbarred.

Counsel and the reporter retired.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

Counsel was advised of Convocation's disposition of the matter.

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Re: WILLIAM ANDREW ANDRACHUK, Oakville

Mr. Carnwath placed the matter before Convocation.

The reporter was sworn.

Mr. Carthy withdrew from Convocation, took no part in the discussion and did not vote.

The solicitor did not attend. Mr. Donald E. Short appeared for him and Mr. Crawford M. MacIntyre appeared for the Society.

Mr. Short advised Convocation that he had been unable to obtain instructions from the solicitor and asked to be allowed to withdraw from Convocation. Convocation permitted him to withdraw.

This matter was first before Convocation on 19th October, 1979, when the solicitor was granted a rehearing by a newly constituted Discipline Committee so that he would have an opportunity to adduce evidence and make submissions. The solicitor made certain undertakings to Convocation.

Convocation had before it the Report of the newly constituted Discipline Committee, dated 28th January, 1980, wherein the said Committee referred the matter back to Convocation on the basis of the solicitor's lack of compliance with his undertakings and because the solicitor had not used the opportunity granted him to adduce evidence and make submissions to the Discipline Committee. Attached to this Report was an Affidavit of Service, dated 30th January, 1980, by Brian Ross Fraser, that service had been effected upon the solicitor by registered mail on 29th January, 1980.

Before Convocation was a letter, dated 31st January, 1980, from Mr. G. Wilson of Wilson & Park Investigative Services Ltd. to Mr. Stephen E. Traviss, Assistant Secretary of the Law Society, detailing the unsuccessful efforts that had been made by investigators to effect personal service upon the solicitor.

Also before Convocation was the Report of the Discipline Committee, dated 1st October, 1979, wherein the solicitor was found guilty of professional misconduct. He had filed a false Form 2 Report on his practice, failed to maintain the required accounting records, failed to maintain enough money in his trust account to meet his trust obligations, borrowed $25,000 from a client improperly and invested clients' funds in securities in which he had a substantial interest and without the clients being separately represented.

Convocation waived the reading by the Secretary of the Reports of the two Discipline Committees, dated 28th January, 1980 and 1st October, 1979 respectively.

Counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 28th January, 1980, wherein the newly constituted Committee referred the matter back to Convocation be accepted.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 1st October, 1979, wherein the solicitor was found guilty of professional misconduct be accepted.

Counsel and the reporter returned.

Counsel was advised of the motions that had been passed.

Convocation was advised that the Recommendation as to Penalty of the Discipline Committee was disbarment.

Counsel and the reporter withdrew.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that membership in the Society be cancelled.

Counsel was advised of Convocation's disposition of the matter.

....

Re: HENRY KATZ, Q.C., Hamilton

Mr. Carnwath placed the matter before Convocation.

The reporter was sworn.

Mr. Carter withdrew from Convocation, took no part in the discussions and did not vote.

The solicitor was not present. Mr. Thomas J. Lockwood represented the Society and Mr. Allen Mandell appeared for the solicitor.

Convocation had before it the Report of the Discipline Committee, dated 13th February, 1980, together with an Affidavit of Service, dated 14th February, 1980, by Cassandra Ganpatt, attesting to personal service upon the solicitor on 14th February, 1980.

Also before Convocation was a letter, dated 12th February, 1980, from the solicitor to the Chairman of the Discipline Committee, in which the solicitor advised that he had no objection to short service of the Report and waived any time deficiencies which may exist, that he would appreciate it if the matter could come before the Benchers on 15th February, 1980, that he had not practised law since early December 1979 and that he undertook not to practise law prior to 15th February or any future date if the matter did not come before Convocation on that date and acknowledged that he would be unable to practise law after the matter had been brought before Convocation.

Convocation waived the reading by the Secretary of the Report of the Discipline Committee, dated 13th February, 1980, wherein the solicitor was found guilty of professional misconduct. He had misappropriated about $270,000 of clients' funds.

Counsel and the reporter withdrew.

It was moved and seconded that the Report of the Discipline Committee, dated 13th February, 1980, wherein the solicitor was found guilty of professional misconduct be accepted.

Counsel and the reporter returned.

Counsel were advised of the motion before Convocation.

Counsel for the solicitor made no submissions.

Counsel and the reporter withdrew.

Counsel and the reporter returned.

Counsel for the solicitor confirmed that the solicitor, who is receiving medical treatment, is able to instruct counsel.

Counsel and the reporter withdrew.

The motion that the Report be accepted was *carried*.

Counsel and the reporter returned.

Counsel were advised of the motion that had been carried.

Convocation was advised that the Recommendation as to Penalty of the Discipline Committee was disbarment.

Counsel for the solicitor made no submissions as to penalty.

Counsel and the reporter retired.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the

Roll of Solicitors and that his membership in the Society be cancelled.

Counsel were advised of Convocation's disposition of the matter.

....

ANNUAL MEETING

The Treasurer referred to the Annual Meeting of the Society which took place in Toronto on Saturday, 9th February, 1980.

....

COMMEMORATIVE SERVICE THE RIGHT HONOURABLE JOHN R. CARTWRIGHT, P.C., Q.C.

The Treasurer advised Convocation that a new date had been set for the Commemorative Service, namely, Wednesday, 14th May, 1980.

....

INTEREST ON TRUST ACCOUNTS THE LAW FOUNDATION OF ONTARIO

Mr. Stuart Thom, Chairman of The Law Foundation of Ontario, reported to Convocation on the course of negotiations by the Law Foundation with the banks respecting interest on trust accounts. Higher interest rates on lawyers' trust accounts are being paid to the Foundation by three of the chartered banks. The Bank of Montreal has agreed to pay at a rate five points below its prime rate; the Toronto-Dominion Bank will pay at three points below its 30/59 day deposit rate; the Royal Bank has offered a graduated scale: when its prime rate is 15% or higher it will pay six points below prime; when it is from 12¼% to 15% it will pay 5¾ points below; from 10¼% to 12% it pays 5¼% below; from 8¼% to 10% it pays five points below and when its prime rate is 8% or lower it will pay 4½ points below. The Canadian Imperial Bank of Commerce continues to pay only 3%. *(See p. 86.)*

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ADMISSIONS COMMITTEE—Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 7th February, 1980.

The following members were present: Mrs. L. L. Legge (Chairman), Mr. A. Cooper (Vice-Chairman), Messrs. Cass, Carthy, Ferrier, Ground, Lamont, Pepper, Scace, Mrs. Sutherland and Mr. White. Mr. Outerbridge was also present.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

The following candidate, having successfully completed the Twentieth Bar Admission Course, filed the necessary documents and paid the required fee of $210, and having become a Canadian citizen on 19th December, 1979, applied for Call to the Bar and to be granted a Certificate of Fitness:

Sherry Rae McCloud Wiesner

Special – Regulation 9

The following candidate, having filed the necessary papers, complied with the requirements of the Admissions Committee and paid the required fee of $200, was entitled to be called to the Bar and to be granted a Certificate of Fitness:

Winifred Helen Holland	Faculty of Law, University of Western Ontario

Transfer from another province

The following candidates, having passed the examination set by the Examining Board, filed the necessary documents and paid the required fee of $411, applied for Call to the Bar and to be granted Certificates of Fitness:

Ronald Douglas Bridgewater	Province of Alberta
George Arthur Lane	Province of New Brunswick
Terry William McBride	Yukon Territory

The following candidates, having passed the comprehensive examination on the common law and the examination set by the Examining Board, filed the necessary documents and paid the required fee of $511, applied for Call to the Bar and to be granted Certificates of Fitness:

Charles Jean Boivin	Province of Quebec
Mary Obelyn Buie	Province of Quebec
Elton Ernest Doyle	Province of Quebec
Christopher Steven Ludwig Hoffman	Province of Quebec
Brian Joseph Johnson	Province of Quebec
Allan Abraham Mass	Province of Quebec
Michael Laurence Richards	Province of Quebec

Call to the Bar for an Occasional Appearance

At its meeting on 10th January, 1980, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearance in Ontario of lawyers from other Provinces" and that upon giving the necessary undertaking he be called to the Bar and admitted as a Solicitor:

Lawrence Charles Greenberg	Province of Manitoba

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further 10 candidates having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the 22nd Bar Admission Course as of 1st September, 1979.

Approved

DIRECT TRANSFER FROM QUEBEC

The Committee considered and approved one application to practice in Ontario by a Quebec lawyer who sought permission to proceed under Regulation 4(2).

EXTERNAL EXAMINATIONS

One candidate who was approved by the Committee to proceed under Regulation 4(2) sat the required examination in Montreal at McGill University. The examination was identified by number only and the examiners' report was before the Committee.

The candidate passed.

Approved

TRANSFER EXAMINATION

A candidate, who was approved to transfer to practise in Ontario under Regulation 4(1) in June 1978, sat and failed to pass the transfer examination in November 1978 for the first time. He failed to obtain pass standing in his second attempt in November 1979. Candidates are told that they may only sit the examination twice and if then unsuccessful, must discontinue. The candidate was told this. He wrote the Society that he did not accept the decision that he failed the transfer examination in November 1979 and requested that his application be reviewed by the Committee.

The Committee recommended that the candidate be advised that he has not fulfilled the requirements of Regulation 4(1).

COMMON LAW EXAMINATION

A candidate, who was approved to transfer to practise in Ontario under Regulations 4(2) and 3(1) in June 1978, had intended to write the examination on the common law at the January sitting but was unable to do so because of a family emergency. He asked the Committee if he could have an extension to the 18 month period in which candidates must write the prescribed examinations, or whether he may withdraw his application to transfer and reapply shortly.

The Committee recommended that he be permitted to write the next examination.

CRIMINAL OFFENCE

A letter was received from a student in the teaching term of the Bar Admission Course disclosing that he had pleaded guilty to theft over $50 on February 19th, 1969. He stated that when he was 17 years old, he and four school friends stole a record player from the high school they attended. They were apprehended, pleaded guilty and each received a six month suspended sentence. On 6th December, 1979, he received a pardon from The National Parole Board. He stated that it was the only time he had ever been involved in a matter of this nature. He asked that it not prejudice his Call to the Bar in April 1980.

The Committee recommended that he be advised that the facts he had disclosed to the Society would not prejudice his Call to the Bar.

PETITION

The Committee considered and approved one petition that permission be granted for the late filing of documents for admission to student membership. The petitioner submitted all the necessary documents, the requisite admission fee and a fine for late filing.

THE REPORT WAS ADOPTED

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CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Lawrence Charles Greenberg
Sherry Rae McCloud Wiesner
Winifred Helen Holland
Ronald Douglas Bridgewater
George Arthur Lane
Terry William McBride
Charles Jean Boivin
Mary Obelyn Buie

Elton Ernest Doyle
Christopher Steven Ludwig Hoffman
Brian Joseph Johnson
Allan Abraham Mass
Michael Laurence Richards

....

INTEREST ON TRUST ACCOUNTS
THE LAW FOUNDATION OF ONTARIO
THE LAW SOCIETY OF UPPER CANADA

Mr. P. B. C. Pepper, Chairman of the Finance Committee, referred to the information given Convocation by Mr. Thom respecting interest on lawyers' trust accounts. *(See p. 81.)*

Convocation supported the suggestion that the Society move its accounts out of the Canadian Imperial Bank of Commerce into banks that pay more interest on trust accounts unless the Canadian Imperial Bank of Commerce agrees to pay interest comparable to what the other banks pay.

....

SPECIAL COMMITTEE ON MUNIMENTS AND MEMORABILIA

Mrs. R. M. Tait, Chairman, presented the Report of the Special Committee on Muniments and Memorabilia of its meeting on Thursday, 3rd January, 1980. This Report was before Convocation on Friday, 18th January, 1980, but was not reached.

The following members were present: Mrs. Tait (Chairman), Mrs. Legge, Messrs. Pepper, Ogilvie, George Johnston (the Honorary Curator) and John Honsberger (the Curator). Messrs. Finlayson and Jarvis and Miss McCormick (the Chief Librarian) were also in attendance.

THE EMPLOYMENT OF AN ARCHIVIST

There was discussion respecting the need for the services of an archivist to advise the Society respecting the cataloguing and maintenance of its archival material. The Library staff has been occupied in the past few months in compiling a list of the complete Muniments and Memorabilia collection, a task which has yet to be completed. All those present were of the view that the services of a professional archivist would be of invaluable assistance. The Committee recommended that the Society engage a qualified legal research archivist for one year and make application to The Law Foundation of Ontario for a grant to cover the legal research archivist's salary.

SPECIAL PROJECTS

The desirability of having stained glass windows in Convocation Hall (the Barristers' Dining Room) was discussed. The Committee recommended that a study be undertaken as to the feasibility and potential costs of having stained glass windows designed for installing in Convocation Hall and that an estimate be obtained of the costs of the installation.

Mr. O'Brien did not vote.

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE–
Mr. Farquharson

Mr. G. H. T. Farquharson, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 7th February, 1980.

The following members were present: Messrs. Farquharson (Chairman), Lerner, Shaffer, Shibley, Strauss, Mrs. Tait, Messrs. Willoughby, Yachetti, Miss A. R. McCormick and Mr. D. V. Burnett.

GREAT LIBRARY

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

GIFTS AND DONATIONS

The following donations of books were received in the Great Library:

D.L. Constable, Q.C. Toronto	Armour, E.D. *A treatise on the investigation of titles to real property in Ontario.* 4th ed. Toronto, Canada Law Book, 1925.
	Armour, E.D. *A treatise on the law of real property.* 2d ed. Canada Law Book 1916.
Basil V. Orsini, Esq. Toronto	Basil V. Orsini. *How to resolve that dispute: commercial arbitration in Ontario and in Canada.* n.p. 1979.
M.S. Smith, Esq. Willowdale	A collection of Quebec publications including 5 volumes *Annuaire de jurisprudence du Quebec,* 1973-1977, 1 text and several unbound issues of reports and periodicals.
Bruce James Young, Esq. Toronto	Wisjesinha, Kingsley. *Aids to criminal investigation,* by Kingsley Wisjesinha and Bruce J. Young. Scarborough, Ont. Panju Canada Ltd. n.d.

Noted

CANADIAN ASSOCIATION OF LAW LIBRARIES ANNUAL CONVENTION

The Chief Librarian asked for permission to send four members of the staff to the Canadian Association of Law Libraries annual convention which takes place May 20 – 23, 1980 in Montreal, Quebec. The expenditure is included in the current budget.

Approved

MISSING BOOKS

During the year 1979, 9 texts were taken from the Great Library without permission and have not been returned. Of texts taken in previous years, 2 were returned.

Comparative figures for the past five years are:

	Missing	*Returned*
1974	4	4
1975	7	3
1976	4	4
1977	2	7
1978	12	1

COUNTY AND DISTRICT LAW LIBRARIES

INSPECTION – GREY COUNTY LAW ASSOCIATION

The Chief Librarian inspected Grey County Law Association on November 23rd, 1979 and a full report will be made at the next meeting.

SUB–COMMITTEE ON COUNTY LAW LIBRARIES GRANTS

The Secretary reported that the Chief Librarian had prepared a statement showing the individual County Association credit balances as of January 9th, 1980 (not including any allotment from the Law Foundation Grant dated December 3rd, 1979). The statement was discussed.

THE LAW FOUNDATION OF ONTARIO

The Secretary reported that Mr. Burnett had prepared a schedule indicating the allotment of the balance of the $197,706 of the Law Foundation Grant after setting aside the sum of $52,294 to fund the Central Administrative Program to June 30th, 1980. The Committee recommended that the $197,706 be distributed in accordance with Mr. Burnett's schedule and that each County Law Association be given full details of the Lerner formula and be advised of the Law Foundation emphasis on self help by each County Law Association. The Committee also recommended that the Law Society make an application to the Trustees of The Law Foundation of Ontario for funding for the period July 1st to December 31st, 1980 and that the application be considered by the Trustees at the next meeting.

REPORTING

ONTARIO REPORTS
CANADA LAW BOOK TENDER

The Secretary reported that he had received a tender from Canada Law Book Limited to publish the Ontario Reports for the period July 1st, 1980 to December 31st, 1980. This matter was put over to the March meeting.

ONTARIO REPORTS – DATA BASE

A letter was received from Canada Law Book Limited requesting permission of the Law Society to add cases in the Ontario Reports to its Data Base. The Committee recommended that the Society retain counsel to investigate this matter and report to the Committee.

THE REPORT WAS ADOPTED

. . . .

LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 7th February, 1980.

The following members were present: Mr. J. J. Carthy, Chairman, Messrs. Arthurs, Ferrier, Goodman, Ground, Lamont, Lerner, Noble, Outerbridge, Scace, Shibley and Mrs. R. M. Tait.

BAR ADMISSION COURSE

FACULTY APPOINTMENTS –
Toronto, Ottawa and London as indicated

It was recommended that the following appointments be made for the teaching term which commenced September 4th, 1979:

(a) Estate Planning Section

Group Instructors (Osgoode Hall): Anne E. P. Armstrong, Paul Baston, Pamela Belyea, Douglas Brady, James C. Gaskin, P. E. Lockie, Geoffrey J. R. Dyer, Shirley M. Perdue.

Standby Instructors (Osgoode Hall): R. J. Fuller, Gaylanne Phelan, Brian Schnurr.

(b) Administration of Estates Section

Standby Instructors (Osgoode Hall): R. E. Jarman, R. J. Fuller.

Standby Instructor (London): D. C. Dockstader.

(c) Criminal Procedure Section:

To continue as Head of Section, R. J. Carter, Q.C.

Group Instructors (Osgoode Hall): D. H. Doherty, A. D. Gold, B. H. Greenspan, E. L. Greenspan, Douglas Hunt, G. P. Johnstone, G. S. Lapkin, Harold Levy, R. D. Manes, F. N. Marrocco, H. F. Morton, W. N. Ortved, Marc Rosenberg, W. M. Trudell, M. A. Wadsworth, J. D. Watt, P. H. Wilkie.

Group Instructors (Ottawa): J. C. Barnabe, Andrejs Berzins, J. A. Cogan, A. S. Fradkin, R. E. Houston, P. F. D. McCann, L. M. Shore.

Group Instructors (London): J. N. Buchanan, A. H. Little, J. H. Melnitzer, J. M. Neilson, Norman Peel.

Standby Instructor (Osgoode Hall): J. D. Crane.

Standby Instructors (Ottawa): R. Bayne, C. D. McKinnon, M. J. Neville.

Standby Instructors (London): J. J. Eberhard, B. W. Long, M. E. Martin.

Approved

REPORT OF THE SUB–COMMITTEE TO REVIEW THE BAR ADMISSION COURSE

The Sub-Committee last met on Thursday, December 13th, 1979 and made a further report dated January 10th, 1980. This report was allowed to *Stand* at the meeting of the Legal Education Committee on January 10th, 1980 and was again before the Committee for consideration.

The Committee noted the information respecting the profiles and did not adopt the statement respecting articling, which was referred back to the Sub-Committee for further consideration.

The following is the Sub-Committee's report as amended by the Committee:

In February of last year, your Sub-Committee having met with the Law Deans from across Canada and with the Heads of Sections in the Bar Admission Course, set out a general approach to its continuing work. It recommended, among other things, that students entering law school ought to be advised by the Society as to the fundamentals of substantive law which they will be expected to have studied and that the Bar Admission Course materials, teaching and testing, will proceed on the assumption that such fundamentals have been mastered by the students.

The report identified 7 general subject headings representing the areas of practice in which a young general practitioner should have competence. A profile of each of the general headings was projected to be drafted for submission to the Legal Education Committee and if approved by it and by Convocation, to be distributed to students entering law school.

In June your Sub-Committee proposed that a practitioner be retained to draft the profiles, in consultation with others, and funds were made available for this purpose. It was recommended that Bar Admission Course materials be distributed to students beginning service under articles, but that part of the Sub-Committee's report was referred back to it for further study with the direction that no such distribution be made in the 1979/80 year.

Your Sub-Committee has met on several occasions since June 1979. The composition of the Sub-Committee is now – J.D. Ground (Chairman), J. A. Brulé, J. J. Carthy, A. R. A. Scace, Stuart Thom, J. J. Wardlaw and S. Lerner.

Profiles

For practical reasons it is now suggested that distribution of materials to students under articles be deferred until the material resulting from the completion of the profiles is available. It is also suggested that the name of the 7th heading be changed from Law Office Management to Legal Practice as being a more appropriate heading having regard to the subject matter included within that area.

Mr. William Buchner, Q.C., of London, has been appointed to prepare the profiles. Mr. Buchner has been the Assistant Director at the London Bar Admission Course since its inception there. He has conferred with the various Heads of Sections in the Bar Admission Course and will be in touch with their counterparts in approved law schools. Your Sub-Committee will, of course, report further and in detail when Mr. Buchner's work is well advanced.

Articling

Referred back to the Sub-Committee.

TUITION FEE 1980–81

The Committee recommended that the tuition fee for the teaching term of the 22nd Bar Admission Course, for the term 1980-81, be in the amount of $648.

ANNUAL MEETING OF HEADS OF SECTIONS

The Director proposed that the Annual Meeting of the Heads of Sections of the Bar Admission Course be held at Osgoode Hall on Tuesday, May 6th, 1980 at 3:30 in the afternoon.

Approved

21ST BAR ADMISSION COURSE – CALL TO THE BAR

(a) Guest Speakers

The Treasurer has asked the persons named below to be guest speakers at the Special Convocations for Call to the Bar and such persons have accepted:

Thursday, April 10th, 1980 – O'Keefe Centre, Toronto
The Honourable Bette Stephenson, M.D.

Friday, April 11th, 1980 – O'Keefe Centre, Toronto
Hugh L. Macaulay, Esq.

Monday, April 14th, 1980 – Elborn College, London
Dean P. W. Slayton

Wednesday, April 16th, 1980 – Skyline Hotel, Ottawa
David L. Johnstone, Esq.

Noted

(b) Honorary Degree (Ottawa)

The Treasurer had recommended that the Society should grant the honorary degree of Doctor of Laws to David L. G.

Johnston, Principal and Vice-Chancellor of McGill University, at the Special Convocation for Call to the Bar to be held in Ottawa on Wednesday, April 16th, 1980.

The Committee adopted the recommendation of the Treasurer. *(See motion, p. 97 .)*

(c) Special Convocation (Toronto)

The supplemental and special examinations in the teaching term of the 21st Bar Admission Course will be written in the week commencing Monday, March 24th, 1980. It was recommended that a Special Convocation for Call to the Bar be held on Wednesday, May 7th, 1980 in Convocation Hall in Osgoode Hall, Toronto, and that the usual suitable arrangements be made for such convocation including a reception for graduates and guests.

Approved

STAFF

A Bindery Operator was hired on September 6th, 1979 to take the place of a permanent employee on a four-month leave of absence. Since the work in the Bindery Department has increased to a level when additional help is needed, the Director recommended that this employee be transferred to permanent staff as of March 1st, 1980.

Approved

ONTARIO GOVERNMENT GRANT 1980-81

The Ontario Council on University Affairs issued its Advisory Memorandum 79-VI dated January 25th, 1980 in which it advised that it continues to apply the policy of providing a partial grant-in-aid for the Bar Admission Course and proposes that the grant-in-aid for 1980-81 be increased by the same percentage as the increase in the Government's allocation to the system as a whole, namely, 7.22%. The Council accordingly recommended to the Minister that a grant of $516,000 be made to The Law Society of Upper Canada for the support of the Bar Admission Course in 1980-81. The Minister accepted the Council's recommendation. The Minster's letter to the Director dated January 31st, 1980, a copy of the Minister's letter to the Chairman of the Council dated January 30th, 1980 and a copy of Advisory Memorandum 79-VI were before the Committee.

Noted

SPECIAL PETITIONS

The Committee considered ten petitions. Two petitioners wished to defer entering the teaching term of the Bar Admission Course for one year. One wished to work in other areas before deciding on a future in the law. The Committee approved this petition. The other had received two previous deferments of one year each, the first to accept a position of assistant professor on the faculty of law of an approved law school and the second to enrol in the LL.M. programme at Harvard Law School. On completion of the LL.M. programme he wishes to return to the position of assistant professor. The Committee recommended that the petition be allowed with the rider that the petitioner be advised that any further petition to defer entry into the teaching term may be refused.

Two petitioners requested extension of the five-year rule under Regulation 26(4a). One petitioner had received his LL.B. degree in 1969. Immediately thereafter he joined the Department of External Affairs as a Foreign Service Officer and is still so employed. During the major part of his service, he was assigned to the Department's Legal Bureau, engaged in providing advice on a wide range of public and private Canadian and international law issues, including proceedings in Canadian and foreign courts arising out of uranium marketing arrangements and the renegotiation of nuclear co-operation agreements with other nations, and co-authored a chapter on diplomatic and consular immunity under Canadian law in a work entitled "Canadian Perspectives on International Law". In 1977 his petition to enter the Bar Admission Course was granted. He withdrew from the Course when the Department of External Affairs asked him to return and subsequently served as First Secretary and Consul to the Canadian Embassy in Argentina. If his present petition is granted, he proposes to resign from the Department of External Affairs and upon successful completion of the Bar Admission Course enter the private practice of law. The second petitioner obtained his LL.B. degree in 1977 and thereafter served continuously in the R.C.M.P., first with the legal branch in Ottawa and then with the commercial crime branch in Toronto. His university attendance was sponsored by the Government of Canada pursuant to a four-year contractual service agreement which expires in May 1981. If his petition is granted, he proposes to resign and enter the Bar Admission Course. Both petitions were approved.

Two petitions were from members of the Bar of Jamaica who wished to enter the teaching term of the Bar Admission Course in September 1980. Both had received certificates from the Joint Committee on Foreign Accreditation, one being subject to the petitioner passing one examination and the other to the petitioner passing three examinations. The first petitioner passed the required examination and since 4th February, 1980 has been serving under articles with a senior policy advisor in the Federal Department of Justice. From 15th December, 1978 he has been a consultant to the Federal Department of Justice in the policy planning section. He requested that his prior legal experience be taken into account and that the service under articles from 4th February to 31st August, 1980 be accepted in full of the articling requirement. The second petitioner passed one examination and will sit the other two in April 1980. From 5th June, 1978 to the present she has been employed by an Ottawa law firm, performing paralegal duties under the direction of a member of the Ontario bar. If she passes the remaining two examinations, she expects to enter service under articles with a member of the same firm. She requested that upon passing the two examinations required by the certificate granted to her by the Joint Committee on Foreign Accreditation, she be permitted to enter service under articles and that service under articles from that time to 31st August, 1980, be accepted in full of the articling requirement. The Committee approved both petitions.

Three petitions dealt with service under articles. One petitioner requested that a period served under articles ending in January 1981 be accepted in full of the articling requirement. Under Regulation 26(4)(a) he is required to serve for a period of twelve consecutive months that would not end earlier than 28th February, 1981. This petition was refused. The second petitioner expects to graduate from an approved law school in June 1980. He proposes to enter articles with a Toronto law firm which had employed him part time in the past. During the fifteen-month period from 1st June, 1980 to 31st August, 1981, he requests permission to interrupt his articles for a period of three months during the winter of 1980-81. The petition was approved. The third petitioner received his LL.B. degree in 1979, enrolled in the Bar Admission Course in Manitoba and commenced articling in the Winnipeg office of the Federal Department of Justice. He is being transferred to the Toronto office of that Department and wishes to enter into service under articles with the solicitor in charge of tax litigation in the Toronto office. He requested that such service under articles from 15th February to 31st August, 1980 be accepted in full of the articling requirement. The petition was approved.

One petitioner asked that permission be granted for the late filing of documents for admission to student membership in the Society and presented the requisite documents and the admission fee together with a fine for late filing. The Committee approved the petition.

THE REPORT WAS ADOPTED

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MOTION: HONORARY DEGREE

It was moved, seconded and *carried* that the degree of Doctor of Laws, honoris causa, be conferred upon *David Lloyd Gilbert Johnston,* Principal and Vice-Chancellor of McGill University, at the Call to the Bar Ceremony in Ottawa on Wednesday, 16th April, 1980.

....

FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 7th February, 1980.

The following members were present: Messrs. Pepper (Chairman), Farquharson, Ogilvie, Scace, Shaffer and Tebbutt.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointment to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

The Honourable James Alexander Jerome, Q.C. Ottawa	Called - 26 June 1958 Appointed Associate Chief Justice, Federal Court of Canada - 4 January 1980
George Ethelbert Carter, Q.C. Toronto	Called - 17 February 1949 Appointed Provincial Court Judge, Criminal Division, Judicial District of York - 14 January 1980

Deaths

The following members have died:

Avrum Isaac Posluns Shelburne	Called – 24 March 1972 Died – 9 January 1980
Francis Joseph Hamill, Q.C. Ajax	Called – 25 June 1959 Died – 29 January 1980
John O'Meara Trepanier, Q.C. Brantford (Life Member)	Called – 17 September 1925 Died – 24 January 1980

Disbarment

The following member was disbarred and struck off the rolls, and his name removed from the rolls and records of the Society:

Edward Henry Luck, Q.C. Rexdale	Called – 26 June 1958 Disbarred – Convocation 18 January 1980

Noted

LIFE MEMBER

Pursuant to Rule 49, the following member is eligible to become a Life Member of the Society effective 21 February 1980:

Louis Taube	Toronto

Approved

CHANGE OF NAME

The following members have requested that their names be changed on the rolls of the Society and submitted the required documentation in support:

From	*To*
Sankaranarayana Ramachandra Srinivasan	Ramachandra Srini *Vasan* (Court Order)
Jennifer Louise Garvie Hewchuk	Jennifer Louise *Garvie* (Maiden Name)

The following student members requested that their names be changed on the rolls of the Society and submitted the required documentation in support:

From	*To*
Pamela Siegel	Pamela *Kirsch* (Married Name)
Maureen Elizabeth Campbell	Maureen Elizabeth *Donnelly* (maiden name)
Julie Yan-ping Gould	Julie Yan-ping *Lee* (maiden name)
Patricia McCann Smith	Patricia *McCann-Smith* (with hyphen)
Andrea Baston Abbott	Andrea Baston (maiden name)

Approved

MEMBERSHIP RESTORED

Alibert St. Aubin gave notice under section 31 of The Law Society Act that he had resigned as a Judge of the County and District Court of Sudbury. Accordingly, his membership was restored effective 28th January, 1980. Mr. St. Aubin is entitled to Life Membership in the Society having been called to the Bar on 16th June, 1927.

Approved

MEMBERSHIP UNDER RULE 50

Retired Member

The following member who is sixty-five years of age and over and who is fully retired from the practice of law, requested permission to continue his membership in the Society without payment of annual fees:

Myer Ralph Solomon	Toronto

Approved

Mr. Solomon's fees were paid on 17th October, 1979 in the amount of $300 and he requested a refund of the fees paid.

The Committee recommended that Mr. Solomon's fees be refunded.

Incapacitated Member

The following member requested consideration of his application as a disabled member to continue his membership in the Society without payment of annual fees:

Frederick Earle Faussett	Ridgetown

Approved

RESIGNATIONS

The following members requested permission to resign their membership in the Society, submitted their declarations in support and requested to be relieved of the requirement of publication in the Ontario Reports:

Robert Brunsdon Davies	Coquitlam, British Columbia
Robert Peter MacKinnon	Saskatoon, Saskatchewan
John David Barker	Vernon, British Columbia

Approved

ARREARS OF ANNUAL FEES

Annual Fees for 1979/80 were due on 1st October, 1979 and notices were sent to all members in September 1979. Members who had not paid received second and third notices. Approximately 350 members were advised on 1st February, 1980 that if their fees remained unpaid on 7th February, 1980, their names would be reported to this meeting of the Finance Committee and that the Committee would recommend to Convocation that their rights and privileges be suspended in accordance with section 36 of The Law Society Act.

A revised list of members who still had not paid was before the Committee.

The Committee recommended that those members who are still in arrears on 15th February, 1980 have their rights and privileges suspended on that day for a period of one year and from year to year thereafter or until their arrears of fees have been paid. *(See motion, p. 103.)*

BAR ADMISSION COURSE

At its meeting on this date, the Legal Education Committee recommended that the tuition fee for 1980/81 be increased from $603 to *$648*, an increase of 7.5% over the 1979/80 tuition fee. The Government Grant for 1980/81 will be $516,000, an increase of 7.22%.

Approved

REFUND OF ANNUAL FEES

Mrs. *Phyllis Gordon Solomon* was called to the Bar in June 1979 and died on 22nd December, 1979. The firm of which she was a member has applied for a refund of annual fees paid by them on her behalf on 3rd December, 1979.

Guidelines laid down by this Committee limit payment of refunds to cases where membership ceased prior to 1st December in any year. The Committee was asked to advise whether a refund is to be given.

The Committee recommended that the fees be refunded.

INACTIVE MEMBERS

Several members, facing suspension for non-payment of annual fees, contended that the Society should have a membership status "inactive" under which membership could be continued at a reduced annual fee. Three letters were before the Committee:

1. *John MacGregor Faris* stated that he could not afford to pay fees, having returned to University to obtain an M.B.A. He is particularly concerned about the "demeaning" aspect of being suspended.

2. *Barry Michael Fisher* asked that his and his wife's fee obligations be held in abeyance during their absence from Canada. Mr. Fisher is practising law with the firm of Thompson, Hine & Flory in Cleveland, Ohio. His wife, *Rosemary Anne McCarney* is a professor of law at Case Western Reserve University School of Law.

3. *Joseph Martin* requested relief from the payment of his annual fees. He is at present unemployed and cannot afford to pay.

The Committee recommended that the above members be advised that to maintain their membership they must pay their fees and that the relief sought cannot be granted.

PREFERRED AREAS OF PRACTICE

A memorandum from the Finance Administrator dated 4th February, 1980 was before the Committee, requesting clarification of the procedure for the collection of the annual fee payable by members designating preferred areas of practice.

The Committee recommended that the fee be paid with the annual fee.

MINUTES OF CONVOCATION

A memorandum from the Finance Administrator dated 4th February, 1980 was before the Committee, recommending the addition of a second magnetic card composer to be rented from IBM at a cost of $615 per month, with effect from 1st July, 1980. Allowance would be made for the costs in the 1980/81 Estimates but approval of the Committee was sought so that the equipment may be ordered.

Approved

STAFF CHANGES

Bar Admission Course

A Bindery Operator was hired on 6th September, 1979 to take the place of a permanent employee on a four-month leave of absence. Since the work in the Bindery Department has increased to a level when additional help is needed, the Director recommended that this employee be transferred to the permanent staff as from 1st March, 1980.

Approved

Errors and Omissions Insurance Programme

The Director of the Errors and Omissions Insurance Programme requested an additional person for his department. A Clerk-Typist is needed to assist with the extra work load which has developed.

A letter from Mr. G. Hargraft to Mr. J. Albert Brulé was before the Committee.

Approved

THE REPORT WAS ADOPTED

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MOTION TO SUSPEND: ARREARS OF ANNUAL FEES

It was moved, seconded and *carried* that those Barristers and Solicitors who have not paid their 1979/80 annual fees and whose names appear on the attached list be suspended from practice for a period of one year from this date and from year to year thereafter, or until their fees are paid.

The 95 Barristers and Solicitors whose names were before Convocation on 15th February, 1980 were suspended as of that date. Subsequently 44 were reinstated and the following 51 are still suspended:

Harry Michael Barber	Toronto
David Brendan Bennett	Hamilton
Patricia Bertha Bockus	North Battleford, Saskatchewan
Arthur Kenton Boucher, Q.C.	Ottawa
John Gintaras Brazys	Mississauga
Richard Raymond Carter	Milton
Paul Michael Champagne	Toronto
John Michael Clancy	Ottawa
Bryan Harold Cook	Calgary, Alberta
David Allan Cornfield	Toronto
John Austin Cranfield	Toronto
Jeremy Michael Crown	Jerusalem, Israel
Norman Terrance Demeza	Calgary, Alberta
Frances Rossman English	Ottawa
John MacGregor Faris	London

Kathryn Joan Ford	Saskatoon, Saskatchewan
James Donald Cameron Galloway	Kingston
David Alan Giannini	London, England
Lois Roberta Gillespie	Omaha, Nebraska, U.S.A.
David Andrew Hyslop	Burlington
Henry Forrester Jayakody	Napanee
Catherine Anne Jenner	Toronto
Hugh William Kelly, Q.C.	Toronto
William Moresby Kershaw	Toronto
Philip Bartlett MacDonald	San Francisco, California, U.S.A.
Wilfred John McDonald	San Francisco, California, U.S.A.
Peter Richard Fairfield McGaw	Toronto
John Murray McPherson	Tobermory
Gerald Edward Meyerman	Stevenville, Newfoundland
Clare Whitney Morrison	Edmonton, Alberta
Muriel Carol Moscovich	Toronto
Gordon Harry Nepom	Victoria, Australia
Terrence Wayne Nevins	Ottawa
Harvey Leonard Samuel Portigal	Hamilton
Christopher John Probert	Toronto
David Evans Rickerd	Vancouver, British Columbia
Roy Clifford Robertson	Toronto
Peter Ernest Salvatori	Hamilton
Eli Alexe Saxe	Toronto
Brian Robert Shaughnessy	Toronto
David Leslie Shaw	Regina, Saskatchewan
Marta Pauline Sherk	Edmonton, Alberta
John Alexander Smith	Toronto
Yolanda Janne Smith	Bowmanville
James Steadman	Toronto
Ashley Clarence Taylor	Toronto
Peter Joris Duff Van Wyck	Ottawa
Ernest Joseph Weinrib	Toronto
Ryan Yoshy	Hammond
Michael Zimmerman	Calgary, Alberta
Bernard Zukerman	Toronto

. . . .

DISCIPLINE COMMITTEE (Continued)

GENERAL

Mr. J. D. Carnwath, Chairman, presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 7th February, 1980.

The following members were present: Messrs. Carnwath (Chairman), Ogilvie (Vice-Chairman), Affleck, Cass, Cooper, Furlong, Ruby, Mrs. Sutherland and Mr. Willoughby.

DEFALCATIONS

The Committee, concerned about trends noted in recent defalcations, has undertaken a study to determine what course of action is available to alleviate the situation.

I. *Increased Audit Staff*

There is authorization for six chartered accountants. At the present time, however, there are only four on staff. Efforts to hire additional personnel have been unsuccessful partly due to the general market situation for chartered accountants, the nature of the work and the salaries that can be offered. Mr. Anderson recently canvassed, without success, the availability of certified general accountant students and graduates. Given the shortage in the existing staff the Society's auditors can barely keep up with the demands of audits for cause, with the result that the spot audit program has suffered for several months. Due to the increase in the overall membership this situation can only worsen.

Recommendation

The Committee recommended that the Society take on staff six people who would be known as "examiners". They could be recruited from law clerk courses and trained to make spot audits. These "examiners" could receive further training such as being enrolled in accounting courses at Ryerson, at the Society's expense, and also possibly take the Bar Admission Course legal bookkeeping course. They could be trained to recognize the relatively serious problems at which point they would call in a staff chartered accountant. Mr. Anderson estimated that the salaried cost of six "examiners" would be approximately $100,000 per year. In addition there would be substantial travelling expenses. This recommendation is subject to the approval of the Finance Committee.

II. *Borrowing from Clients*

The Committee was of the opinion that borrowing from clients could be an element in a misappropriation.

Recommendation

The Committee recommended that a lawyer, a company in which a lawyer has a substantial or controlling interest and members of that lawyer's firm be prohibited from borrowing money from his client, save where the client is a lending institution, financial institution, insurance company, trust company or any similar corporation whose business is that of lending money to members of the public. The Committee suggested that this be referred to the Professional Conduct Committee for that Committee's opinion.

III. *Deleted in Convocation; see motion below.*

It is the Committee's intention to bring forth in the near future further recommendations with respect to this matter.

SECTION 33.13 – SERVICE OF DOCUMENTS

At the October 1979 Convocation, the procedure followed in serving a Discipline Committee Report on a lawyer was discussed. As a result this Committee considered whether there should be any changes in the procedure presently followed. The Committee was satisfied that there should be no changes made.

It was moved in Convocation, seconded and *carried* that from the first item, *Defalcations,* the section numbered III be deleted.

It was moved, seconded and *lost* that in the first item, *Defalcations*, the section numbered I be not approved.

THE REPORT AS AMENDED WAS ADOPTED

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COMPENSATION FUND SUMMARY

Mr. Noel Ogilvie, Vice-Chairman, presented the Compensation Fund Summary for the period ended 31st January, 1980.

COMPENSATION FUND

For the Period 1st July, 1979 to 31st January, 1980

(7 months)

TOTAL RECEIPTS	$ 713,037.71
TOTAL DISBURSEMENTS	$ 620,838.80
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 92,198.91
BALANCE OF FUND at beginning of period	$1,558,782.05
BALANCE OF FUND at end of period	$1,650,980.96
CLAIMS RECEIVED and in the course of being processed at end of period	$5,573,121.15

THE SUMMARY WAS RECEIVED

....

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

....

The Treasurer and Benchers had as their guest for luncheon Dr. Lita-Rose Betcherman, one of the two lay representatives on the Judicial Council.

....

CONVOCATION RESUMED AT 2:30 P.M.

....

PRESENT:

The Treasurer and Messrs. Barr, Bowlby, Brulé, Bynoe, Carnwath, Carthy, Cass, Catzman, Doran, Ferrier, Furlong, Genest, Ground, Lamont, Mrs. Legge, Messrs. Lerner, McWilliams, O'Brien, Ogilvie, Pepper, Ruby, Scace, Shaffer, Mesdames Sutherland and Tait, Messrs. Thom and Yachetti.

....

THE HONOURABLE YVES PRATTE, Q.C. REQUEST FOR CALL TO THE BAR

The Honourable *Yves Pratte,* Q.C., retired as a judge of the Supreme Court of Canada on 30th June, 1979, and returned to the practice of law in Montreal.

It was moved, seconded and *carried* that The Honourable Yves Pratte be called to the Bar of Ontario without complying with the Rules and without payment of an admission fee.

....

MOTION: CALL TO THE BAR – RETIRING MEMBERS OF SUPREME COURT OF CANADA

It was moved, seconded and *carried* that upon their requesting the Society retiring members of the Supreme Court of Canada be called to the Bar of Ontario without payment of fee and without complying with the Society's Rules.

....

SPECIAL COMMITTEE ON OFFICE OF THE TREASURER

Stand.

....

LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 6th February, 1980.

The following members were present: John D. Bowlby, Chairman, Messrs. Barnes, Chadwick, Ms. Cornish, Messrs. Ellis, Ferrier, Mrs. Fleming, Mr. Gilchrist, Mrs. Jarmain, Messrs. Jones, Linden, Nixon, Mrs. Smyth, Mrs. Tait and Mr. Wallace.

The following observer members were present: Brian P. Bellmore, solicitor, and M. S. Fitzpatrick, Q.C., from the Clinic Funding Committee.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95(2), for the nine month period ended December 31, 1979, shows that payments from the Legal Aid Fund were less than budget by $1,183,000. Of this total $234,000 represents under-expenditure of designated Community Clinic Funds. The remaining $949,000 is accounted for as follows:

Under budget	$	$
Criminal Certificate accounts	1,050,000	
Civil certificate accounts	263,000	
Salaried Duty Counsel project	2,000	
Provincial Office costs	17,000	1,332,000
Over budget		
Duty Counsel payments	205,000	
Legal Advice certificate accounts	1,000	
Area Office costs	28,000	234,000
		1,098,000
Less: Expenditures with no budget		
Research Facility	113,000	
Special Projects	36,000	149,000
		949,000

Income from sources other than the Province of Ontario was over budget by $32,000 as follows:

Over budget		
Law Foundation	225,000	
Miscellaneous income	8,000	233,000
Under budget		
Client contributions	7,000	
Costs recovered	194,000	201,000
		32,000

As at December 31, 1979, there was a balance in the fund of $3,331,000.

Statistics

The following table compares reported activity for the first nine months of this fiscal year with the activity for the same period in the previous fiscal year:

	9 months ended		% Change from
	Dec. 31, 1979	Dec. 31, 1978	last year
Summary Legal Advice	33,715)		
	)	84,633	– 6.1
Referrals to other agencies	45,785)		
Applications for certificates	86,105	81,641	+ 5.5
Refusals	28,489	26,306	+ 8.3
As a percentage of applications	33.1	32.2	
Certificates issued	61,188	58,966	+ 3.8
Persons assisted by Duty Counsel:			
Fee for service	118,219	110,436	
Salaried Duty Counsel	40,691	26,433	
Total	158,910	136,869	+ 16.1

Write-Offs

Mr. George E. Wallace approved the write-offs of the following total of amounts due to the Legal Aid Fund: $19,392.74.

All of the accounts were at least three years old.

LEGAL ACCOUNTS

(a) REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	January 1980	10 Months to Jan. 31/80	10 Months to Jan 31/79
Reviews on hand	440		
Reviews received in	229	1248	1332
	669		
Settlements reviewed in	18	736	1149
Settlements awaiting review at end of	651		
	669		

Appeals

	November	*December*	*January*
Appeals to Taxing Officer received during	–	–	5
Appeals heard by Taxing Officer	2	2	–
Appeals pending at the end of the month	2	2	5
Appeals abandoned	–	–	–

Activity

	1979/80 Fiscal Year		*1978/79 Fiscal Year*	
	Month of Jan. 1980	*10 Months to Jan. 1980*	*Month of Jan. 1979*	*10 Months to Jan. 1979*
Accounts on hand at beginning	13771	7273	6355	6016
Accounts received	5863	55843	6088	54004
Total Accounts to be processed	19634	63116	12443	60020
Less: Files cancelled	42	313	35	351
Accounts processed	6527	49738	5359	52620
Balance	13065	13065	7049	7049

In addition to the number of accounts for services completed there were:				
Interim Accounts	405	2681	302	2363
Supplementary Accounts	257	2560	349	2547
Total	662	5241	651	4910

(b) NOTES TO REPORT OF THE LEGAL ACCOUNTS OFFICER

The Report of the Legal Accounts Officer for January, 1980 reveals that 700 more accounts were processed during that month than were received. This is the first time that more accounts have been processed than received since October, 1978. It was in that month that the Department began to feel the impact of the amendments to the Family Law Reform Act. A large portion of the accounts received in civil matters were in domestic cases in the Family Court under the Deserted Wives and Children's Maintenance Act for which the Legal Aid tariff provided a block of $200 for all services. When that Act was replaced with the Family Law Reform Act, it was no longer possible to apply the block fee to services rendered and a discretionary fee was allowed. This resulted in more time being spent on processing these accounts causing the initial backlog, which soon doubled when the amended Legal Aid tariff was introduced.

The additional staff hired last September has now been sufficiently trained and has enabled a turning point in the backlog to take place. The Accounts Officer hopes it will continue to decrease until it is eliminated.

The number of requests to have a settlement of an account reviewed has doubled in the past two months, largely due to the interpretation of the amended tariff. Priority has been given to the settlement of accounts rather than reviewing accounts already settled and therefore a backlog has developed.

Five appeals to the Taxing Officer were received in January, all relating to settlement of accounts under the old tariff.

THE JOINT COMMITTEE

(a) RESEARCH FACILITY

The Research Facility opened in December by taking enquiries from lawyers on an informal basis. The service was initiated by sending out approximately one hundred letters during the second half of December, 1979 and the first week of January, 1980 to criminal lawyers in various parts of the province. In order to speed the transition toward the day of formal opening the Research Director is presently sending out four hundred more letters. The number of enquiries received was steady through January and of the variety anticipated – questions involving narrow, practical issues, closely related to specific elements of particular offences or matters of admissibility. The Facility has answered questions as to elections for trial and the admissibility of computer records; questions of prior sexual conduct of rape complainants and prior criminal records and accomplice evidence; questions as to psychiatric evidence, truth serum and polygraph tests; questions as to defences such as issue estoppel and lack of specific intent and the rule against multiple convictions; questions as to the causal relationship between evidence of impairment and criminal negligence as compared to dangerous driving; and questions as to the nature of the law of attempts and the latest additions to the list of controlled drugs in Schedule G of the Food and Drugs Act, and whether an Ontario hunting licence qualifies as an "alternative firearms acquisition certificate" under the Criminal Code.

The Research Director's Report together with samples of the Facility's "Telephone Service Memorandum" were before the Committee and Convocation.

(b) SPECIAL PROJECTS – THE MENTOR PROGRAM (Buddy System)

The Committee reviewed in depth a Report approved by the Joint Committee and prepared by the Special Projects Coordinator which set out the historical background of the Mentor Program: choice of name; basic operation of the Mentor Program; the board of mentors; establishment of the Mentor Program; further refinements; the ultimate goal.

The program is to encourage senior members of the Bar to increase their participation in the Plan through court training of and acting as supervisory counsel to younger members of the Bar.

The Legal Aid Committee approved the Special Projects Co-ordinator's Report and requested him to set up the board.

Arthur Maloney, Q.C., has agreed to be the first Chairman of this Board.

AREA DIRECTORS' RETAINERS

A Sub-Committee under the chairmanship of Mr. Wallace was appointed to review Area Directors' retainers and to make recommendations to the Legal Aid Committee with respect to the retainers.

The Committee reviewed the Report of the Sub-Committee and approved its recommendations.

The proposed increases are retroactive to April 1, 1979 and will cost the Fund, for the fiscal year 1979-1980, approximately $21,800.

One of the major difficulties which the Sub-Committee encountered was the past practice of applying percentage increases which would appear to have resulted in some Area Directors being overpaid and some Area Directors being underpaid. Another major difficulty was the differing degrees of involvement by Area Directors in their local administration. The third underlying problem is the fact that some Area Directors appear to organize their legal aid time more efficiently than others.

The Sub-Committee recommended that:

24 Area Directors receive a 4% increase
7 Area Directors receive a 6% increase
2 Area Directors receive an 8% increase
3 Area Directors receive a 10% increase
1 Area Director receive an 11% increase
3 Area Directors receive no increase at present

The Report of the Sub-Committee was before Convocation.

STEERING COMMITTEE

At its November meeting the Legal Aid Committee expressed concern that a county court clerk and registrar and a crown attorney had been nominated to serve on an Area Committee. The Legal Aid Committee moved: "that in view of past history the crown attorney be approved but that the appointment of crown attorneys to serve on Area Committees in the future be reviewed by the Steering Committee."

The Legal Aid Committee approved the Steering Committee's recommendation: "that crown attorneys and/or law enforcement officers should not be asked to sit on an Area Committee, the composition of which is provided for in Sections 12 and 13 of the Legal Aid Regulation."

The Provincial Director was requested to write a letter to Area Directors to that effect.

See motions, p. 116.

LEGAL AID COMMITTEE – SUB–COMMITTEES

A list of the Sub-Committees of the Legal Aid Committee setting out the Chairman, members and terms of reference was before Convocation.

MEETING WITH CHIEF JUSTICE OF THE HIGH COURT

In January the Chairman met with The Honourable Gregory Evans, Chief Justice of the High Court. The Chief Justice had expressed several concerns with respect to the delivery of legal aid.

As a result of the meeting the Chairman requested that the following matters be discussed with the Legal Aid Committee:

1. The advisability of issuing certificates prior to preliminary hearing and trial with one of the conditions of continuing representation being the attendance at a pre-trial conference.
2. Advising the Legal Aid Committee that the Chief Justice is supportive of the suggestion that where a judge becomes aware that counsel is unnecessarily prolonging a trial he will report such fact to either the Director or Pierre Genest, Chairman of the subcommittee dealing with judges' complaints.
3. A discussion of Legal Aid's position when a judge wishes to appoint counsel to continue or begin trial when an accused dismisses counsel on the eve of trial.

The Legal Aid Committee recommended that Items 1 and 3 be referred to the Steering Committee for its recommendations.

AREA COMMITTEES

(a) **APPOINTMENTS**

Halton County

Robert S. Martin, Solicitor

(b) **RESIGNATIONS**

Halton County

Ernest Hennessey, Q.C.

Victoria & Haliburton Counties

A. B. Patterson, Q.C.

York County

Eleanor Pelrine

It was moved and seconded but *withdrawn* that the item respecting the Steering Committee's recommendation be deleted.

It was moved, seconded and *lost* that the said item be amended to provide that law enforcement officers not be permitted to be appointed to area committees but that the reference to crown attorneys be deleted.

THE REPORT WAS ADOPTED

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PROFESSIONAL CONDUCT COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 7th February, 1980.

The following members were present: Messrs. Ground (Chairman), Yachetti (Vice-Chairman), Genest (Vice-Chairman), Carnwath, Lamont, Lerner, Strauss and Mrs. Sutherland.

1. A member of the Society wrote to the Committee requesting advice as to what is his duty with respect to advising the estranged wife of his client of her right to a claim for damages

under Section 60 of the Family Law Reform Act. The member felt that there would not be a problem in his firm having carriage of the action insofar as the rights of the children of the marriage are concerned. With respect to the estranged wife he feels that there may be a potential conflict of interest in his firm representing both the male plaintiff and her since she is now a separated spouse and may wish to assert rights under the Family Law Reform Act with respect to the division of family assets.

The Committee was of the opinion that the member should join the wife's claim in the Statement of Claim, advise her that this has been done, that she has a right to claim for damages as a result of her husband's injury under Section 60 of the Act, the limitation period for asserting such right and that in view of the potential conflict of interest she should seek separate counsel to represent her in this matter.

The Committee instructed the Secretary to bring this enquiry to the attention of the Practice and Insurance Committee as this type of situation has the potential of being a problem for the profession.

2. The Alberta Hospital and Medical Care Plan approached a member with the request that he represent their interest in the collection of certain accounts incurred on behalf of a client of the member's firm. They offered to pay a collection fee of 15% on any recovery which is less than $500. On recoveries which exceed this amount the fee to be allowed would be 15% on the first $500 and 10% on the balance exceeding that amount. The member wondered whether this arrangement would constitute a contingency fee and therefore not be permitted in this Province.

The Committee was of the opinion that there is nothing improper in this proposal and instructed the Secretary to so advise.

3. A member wrote advising that it had come to his attention that a firm of lawyers in Montreal had incorporated a company, of which they are the shareholders, whose primary object is to up-date and perform all services respecting the corporate minutes of the corporation which is a client of their firm.

The Committee was of the opinion that the performance of such services would result in an incorporated body practising law and therefore would not be permissible in law at this time.

4. The Committee was asked whether there had been any rules made on the propriety of barristers acting at the same sitting of the Provincial Court (Criminal Division) as both crown prosecutor for the Government of Canada (Narcotics) and duty counsel.

The Committee was of the opinion that there would be nothing wrong in combining these two duties so long as the solicitor does not combine the function of crown prosecutor with the counselling of persons charged with the type of offence which he had been appointed to prosecute on the same day.

5. A member of the Society presented to the Committee the following problem. He had obtained for a client a Legal Aid certificate which was cancelled a few days prior to the trial date. He immediately wrote to the Crown advising that he would be removing himself from the record. When he made his application to do so the trial judge refused his request. The difficulty perceived by the member occurs when a solicitor sends a letter with a client indicating that he will act on the client's behalf and subsequently the solicitor's fees and/or disbursements are not paid either because the client will not give the solicitor more funds or because the legal aid authorization has been cancelled.

It is the member's opinion that in situations such as this a lawyer should be able to remove himself from the record. If this is not possible then in the member's view it leaves a solicitor with the prospect of not taking a client unless he has paid his full fee at the first meeting and not taking legal aid because of the possibility of cancellation in the future. If his view is correct the member suggests that the judges of all courts be given this information since at least one Provincial Court judge takes the position that once you go on the record as counsel you cannot get off unless the client dismisses you or changes solicitors.

After consulting with a member of the Committee the Secretary wrote to the member that in the Bencher's view the above problem is not widespread. The Bencher felt that many

Provincial Court judges would have allowed the member to remove himself from the record under the circumstances. A member confronted with this problem should immediately contact the Area Director to urge reinstatement because of the imminence of the trial. In the case to hand it was suggested that the member should have contacted the client immediately to attempt to have the default remedied. In the event that a member is forced on with a trial while in possession of a cancelled Legal Aid certificate the Bencher felt that the only course of action open would be to present his account to the Legal Aid office.

The member did not feel that this response adequately dealt with the problem and requested that the matter be forwarded to the Committee.

After due consideration the Secretary was instructed to advise the member that the comments made by the Bencher had been approved. In addition the member should be referred to Rule 11, paragraph 7 of the Commentary which deals with withdrawing from criminal cases. The Secretary was also instructed to bring this situation to the attention of the Provincial Director, The Ontario Legal Aid Plan.

6. A number of other matters were considered with the appropriate instructions being issued in each instance.

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. Tobias

Mr. P. K. E. McWilliams presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 7th February, 1980.

The following members were present: Messrs. Furlong (Acting Chairman), Carter, McWilliams, Shaffer, Strauss and White.

1. Several accounts were approved.

2. A copy of an advertisement that had appeared in the

Ontario Reports was received with a letter requesting the Committee's opinion as to whether the advertisement constituted a possible holding out as solicitors contrary to Section 50(1) of The Law Society Act. The Secretary was instructed to send a copy of Section 50(1) to the correspondent and refer him to the company's solicitor for a legal opinion.

3. A solicitor enquired whether a client company could provide paralegal services to lawyers. The paralegal services would possibly include employing a trade mark agent. The Secretary was instructed to advise the solicitor that it is not the policy of the Law Society to give advice and to forward a brief of the decided cases which may be of some assistance to the solicitor in advising his client as to whether or not the services might be in breach of Section 50(1) of The Law Society Act.

Because this type of question arises frequently, the Committee recommended that its current policy of declining to give legal advice to an enquirer and referring the enquirer to his or her own solicitor be continued.

4. A letter received from a solicitor indicated that a local branch of a bank had drafted collateral mortgage forms and had the forms executed by the clients without consulting a solicitor. Apparently the clients had been led to believe that it was a fifteen year mortgage whereas in fact the mortgage was merely collateral to a demand note with the payments on a fifteen year amortized basis. The Committee recommended that the Secretary of the Law Society write to the Canadian Bankers Association to indicate the problem and also to discuss the matter of solicitors signing forms indicating that the interest of the bank would have priority over the interest of the client of the solicitor.

5. Mr. Stubbs, Secretary of the Law Society of Manitoba, wrote indicating that Mr. Jarvis' letter concerning Manitoba solicitors practising law in Ontario without being members of The Law Society of Upper Canada was read to a meeting of benchers of The Law Society of Manitoba and the Minutes of that meeting were circulated to all members of the Manitoba Law Society.

6. An advertisement in which a company offered advice in the

field of labour management relations was before the Committee. The Secretary was instructed to refer this matter to the Chairman of the Committee for his opinion.

THE REPORT WAS ADOPTED

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PUBLIC RELATIONS COMMITTEE

Stand to the next Convocation.

. . . .

LEGISLATION AND RULES COMMITTEE–Mr. Furlong

Mr. P. G. Furlong, Chairman, presented the Report of the Legislation and Rules Committee of its meeting at 9:30 a.m. on Friday, 15th February, 1980.

The following members were present: Messrs. Furlong (Chairman), and Cass, and Mrs. Legge.

SPECIAL COMMITTEE ON OFFICE OF THE TREASURER

Convocation on 18th January, 1980 adopted the report of the Special Committee on the Office of the Treasurer of the same date and referred the report to this Committee for the purpose of drafting and incorporating into the rules made under The Law Society Act the recommended voting procedure with respect to the election of Treasurer.

Upon consideration of the matter, the Committee recommended that the present Rule 19 be repealed and the following substituted therefor:

TREASURER

ELECTION

19.–(1) The election of Treasurer shall be the first matter of business at the regular Convocation in May or such other Convocation as Convocation may fix.

(2) In the year of a quadrennial election of benchers the provisions as to times and dates in these rules set forth shall be read as being one month later.

NOMINATION

19.1–(1) Nominations shall be in writing and signed by the nominee indicating his assent to be a candidate and by two benchers, and if not so signed is void.

(2) Every nomination for the office of Treasurer shall be delivered at the office of the Secretary or sent by mail to him so as to be received thereat on or before Meeting Day in April, and if not so received is void.

(3) Any bencher nominated may withdraw his name if he notifies the Secretary in writing within four days next following Meeting Day in April.

POLL

19.2–(1) The Secretary shall at the April Convocation read the names of those nominated together with the names of the benchers moving and seconding the nominations and shall immediately after Convocation send to each bencher entitled to vote, at his address as shown on the records of the Society, a list of the nominees.

(2) Each bencher entitled to vote and present at the Convocation at which the Treasurer is to be elected may vote for only one nominee on each ballot.

(3) When each ballot is completed, the Secretary shall collect the ballots and withdraw and open the ballots in the presence of the retiring Treasurer, or his delegate, who together shall scrutinize and count the ballots.

(4) The result of the ballot shall forthwith be announced in Convocation.

(5) If on the first ballot there are only two nominees, the nominee receiving the greater number of votes shall be declared to be elected Treasurer.

(6) If there are three or more nominees, the name of the nominee receiving the fewest number of votes on the first ballot shall be removed from subsequent ballots; further ballotting shall take place until there are only two nominees remaining and then a final ballot shall be taken and the candidate receiving the greater number of votes shall be declared elected Treasurer.

(7) In the event of a tie vote on any ballot the Treasurer, or if he is a nominee in the election, the Chairman shall have a casting vote or casting votes as may be needed to determine which name is to be dropped from succeeding ballots, or to determine the election as the case may be.

VACANCY IN OFFICE

19.3–(1) When the office of Treasurer becomes vacant the Secretary shall send to each bencher a written notice of the vacancy stating that at the next regular Convocation a Treasurer will be elected.

(2) In the event of the office of Treasurer becoming vacant the benchers present at the first regular Convocation therafter, shall before proceeding to any other business, elect a bencher to fill the office of Treasurer until the next regular election of Treasurer.

ACTING TREASURER

19.4 If the Treasurer is for any reason unable to perform his duties, the Chairman of the Finance Committee or, if he is for any reason unable to act, the Chairman of the Legal Education Committee shall act as Treasurer until the Treasurer resumes his duties or the office becomes vacant and a new Treasurer is elected.

PRESIDING OFFICER

19.5 The Treasurer, unless he is a nominee, shall preside in Convocation, but if he is unable to do so, Convocation shall appoint a presiding officer pro tem.

THE REPORT WAS ADOPTED

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PRACTICE AND INSURANCE COMMITTEE–Mr. Brulé

Mr. J. A. Brulé, Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 7th February, 1980.

The following members were present: Messrs. Brulé (Chairman), Farquharson, Mrs. Legge and Messrs. Noble and Tebbutt.

ADJUSTERS' FEES

Lists of fees paid in January, 1980, to adjusters under the old Fund, the 1977 Fund, the 1978 Fund and the 1979 Fund were before the Committee.

Noted

COUNSEL FEES

List of the fees paid to Counsel during January, 1980, were before the Committee.

Noted

MONTHLY REPORT

Mr. Hargraft's monthly report was before the Committee and Convocation.

The Committee recommended that appropriate amendment to The Law Society Act be sought to empower the Society to suspend the rights of a member who has failed for six months or longer to pay what is owed as the individual deductible amount of any claim and also to add interest to outstanding amounts after an appropriate period. Meanwhile, the Committee intends to write to members who have not paid individual deductible amounts and demand payment and to take further action as may be appropriate in each case.

STAFF

A letter was before the Committee from Mr. Hargraft indicating that he requires an additional person to work in the Errors and Omissions office.

The Committee recommended that subject to the approval of the Finance Committee, Mr. Hargraft be authorized to engage a Clerk Typist.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON COMPETENCE

Mr. Stuart Thom presented the Report of the Special Committee on Competence of its meeting on Thursday, 7th February, 1980.

The following members were present: Messrs. Goodman (Chairman), Collins-Williams, Cooper, Thom and Professors Mewett and Spence.

LAWYER REFERRAL SERVICE

The Committee was asked to consider whether members that register in the Lawyer Referral Service should be taken to have indicated a preferred area of practice and whether the headings used by the Referral Service should be exactly the same as the preferred areas of practice headings.

The Committee was of the view that the headings under the Lawyer Referral Service should be the same as the headings of the preferred areas of practice and that those who register in the Referral Service be taken to have designated preferred areas of practice and required to pay the prescribed fee and attend the courses.

PREFERRED AREAS OF PRACTICE HEADINGS

The Committee was asked to review the headings of preferred areas of practice and to recommend to Convocation any changes that are needed.

The Committee recommended that this matter be transferred to the Sub-Committee of the Legal Education Committee responsible for the preferred areas of practice courses.

The Committee recognized that there are a number of aspects of the question of competence in the practice of law that remain to this Committee to consider, and it will continue to meet and to report to Convocation on these matters.

The Committee suggested that if it is Convocation's wish, it will assume responsibility for the future development of the Lawyer Referral Services.

It was moved in Convocation, seconded and *carried* that the item respecting *Lawyer Referral Service* be referred to the Sub-Committee of the Legal Education Committee on Preferred Areas of Practice.

THE REPORT AS AMENDED WAS ADOPTED

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SPECIAL COMMITTEE ON HOUSE COUNSEL

Mr. Noel Ogilvie, Chairman, presented the Report of the Special Committee on House Counsel dated 15th February, 1980.

The Committee composed of Messrs. Ogilvie (Chairman), Brulé, Goodman, Shibley and Strauss was appointed on June 16, 1978 to consider the desirability of seeking legislation to permit the creation of a special class of membership in the Society, limited to practise with a single client, such as a corporation. The initial meeting of the Committee took place on October 12, 1978 attended by Messrs. Ogilvie, Brulé, and Strauss. On November 22, 1978, Mr. Ogilvie and Mr. Strauss attended a meeting of the Ontario Corporate Lawyers Section of the Canadian Bar Association at which the Law Society's Special Committee on House Counsel was the topic for discussion. On December 20, 1978, Mr. Ogilvie and Mr. Shibley met with Mr. Paul Fisher, the then Chairman of the Corporate Lawyers Section of the Canadian Bar Association. A further meeting of the Committee was held on January 30, 1979. Those in attendance were Mr. Ogilvie, Mr. Strauss, Mr. Goodman; and as guests, Mr. Donald Brown, general counsel of The Bank of Nova Scotia and present Chairman of the Ontario Corporate Lawyers Section of the Canadian Bar Association; Mr. Paul Fisher, counsel for Lummus Company (Canada) Limited; and Ross McFarland, general counsel for General Motors of Canada Limited and a member of the Association of General Counsels.

Having consulted with the past and present Chairmen of the Ontario Corporate Section of the Canadian Bar Association and some of its membership, and with a spokesman from the Association of General Counsels, it was the Committee's view that the consensus of those organizations on this issue is to maintain the status quo. With this consultation and with information from other jurisdictions in Canada, the Committee felt there is no need for a change in the classes of the membership in this Society and was of the opinion that such a change may create some unnecessary friction amongst in-house corporate counsel. Accordingly, the Committee recommended that no special class of membership be created.

The Committee, as requested, also discussed the recommendation adopted by Convocation on April 21, 1978 that a survey be conducted of corporations carrying on business in Ontario having ten or more employees residing in Ontario to determine what number of persons are employed in a legal capacity in Ontario by such corporations, and of those persons, which of them are members of The Law Society of Upper Canada. The general view of the Bench was that no such survey is necessary at the present time. The Committee concurred and recommended that no such survey be conducted.

THE REPORT WAS ADOPTED

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CONVOCATION ROSE AT 4:10 P.M.

. . . .

Confirmed in Convocation 21st March, 1980.

G. D. FINLAYSON
Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 21st March, 1980
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Affleck, Barr, Bowlby, Carnwath, Carthy, Cass, Doran, Farquharson, Ferrier, Genest, Goodman, Humphrey, Lamont, Mrs. Legge, Messrs. Lerner, Lochead, Outerbridge, Pepper, Ruby, Mesdames Sutherland and Tait, Messrs. Tebbutt, Thom, Wardlaw and Willoughby.

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MINUTES

The Minutes of Convocation of 15th February, 1980, were confirmed.

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N. N. WARDLAW, Q.C.

The Treasurer referred to the death of Norman Nelson Wardlaw, Q.C., of Orangeville, a Life Member of the Society, who was called to the Bar on 19th May, 1921 and died 22nd February, 1980. The Treasurer expressed the Benchers' regrets on the death of his father to Mr. J. J. Wardlaw, an elected Bencher.

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MARY R. MALLONEY, Q.C.

The Treasurer referred to the death of Mary Roadhouse Malloney, Q.C., of Toronto, on 18th February, 1980. Mrs. Malloney was called to the Bar on 14th September, 1951 and at the time of her death was President of The Women's Law Association.

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SPECIAL COMMITTEE ON OFFICE OF THE TREASURER

On 15th February, 1980 Convocation directed that the

Report of the Special Committee on the Office of the Treasurer stand to a Special Convocation to be held on Thursday, 13th March, 1980. It subsequently became apparent that the Chairman of the Special Committee, Mr. J. J. Robinette, would be unable to attend on that day because of court commitments. The Special Convocation was abandoned in anticipation of the Chairman's attendance today.

It was moved, seconded and *carried* that consideration of this Report stand to the June Convocation.

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TRANSLATION INTO FRENCH OF THE NAME OF THE SOCIETY

The Treasurer referred to a letter dated 20th February, 1980, which he had received from Mr. Pierre Genest respecting the translation into French of the name of the Society – *"La Société des Avocats du Haut Canada".*

It was moved and seconded that the French translation of the Society's name be *"La Société des Avocats du Haut Canada".*

VOTE DEFERRED pending the name appearing in the Communiqué.

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APPOINTMENT TO SPECIAL COMMITTEE ON INVESTMENTS

It was moved, seconded and *carried* that Mr. *A. R. A. Scace* be appointed a member of the Special Committee on Investments.

The Special Committee on Investments consists of the following: Mr. Pepper, Chairman, and Messrs. Brulé, Levinter, Lochead, O'Brien, Scace and Sheard.

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INCORPORATION OF "THE OSGOODE HALL PRESS"

The Treasurer advised Convocation of the intention to incorporate "The Osgoode Hall Press".

....

ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 13th March, 1980.

The following members were present: Mrs. Legge (Chairman) Messrs. Carthy, Cass, Chilcott, Ferrier, Ground, Lamont, Pepper, Scace, Mrs. Sutherland and Mr. White.

OCCASIONAL APPEARANCES

Joseph Aimé Richard Masson of the Province of Quebec, applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces" in the case of *Regina vs. Mark and Richard Kowalczyck.* Mr. Masson complied with the requirements of Section 10 and presented a Certificate of Good Standing. He wished to be called at the March Convocation.

Michael Thomas Green of the Province of Manitoba, applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces" in the case of *Marvin A. Kallstrom vs. Reed Shaw Stenhouse Limited.* Mr. Green complied with the requirements of Section 10 and presented a Certificate of Good Standing.

Edward Alan Douglas MacInnes of the Province of Manitoba, applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces" in the case of *Marvin A. Kallstrom vs. Reed Shaw Stenhouse Limited.* Mr. MacInnes complied with the requirements of Section 10 and presented a Certificate of Good Standing.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Special – Former Judge of the Supreme Court of Canada

By Resolution of Convocation 15th February 1980:

The Honourable Yves Pratte, Q.C.

Bar Admission Course

The following candidate, having successfully completed the Twentieth Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for Call to the Bar and to be granted a Certificate of Fitness. He became a Canadian Citizen on 11th February, 1980.

Robert Willson Weist

Transfer from another Province

The following candidate, having passed the examination set by the Examining Board, filed the necessary documents and paid the required fee of $411, applied for Call to the Bar and to be granted a Certificate of Fitness:

Paul David Stunt	Province of Manitoba

Call to the Bar for an Occasional Appearance

At its meeting on 13th March 1980, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearance in Ontario of lawyers from other Provinces" and that upon giving the necessary undertaking he be called to the Bar and admitted as a Solicitor:

Joseph Aimé Richard Masson – Province of Quebec

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

Seven further candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the 22nd Bar Admission Course.

Approved

DIRECT TRANSFER FROM QUEBEC

The Committee considered one application to transfer to practice in Ontario from a member of the Quebec Bar, who sought to proceed under Regulation 4(2). The application was approved.

EXTERNAL EXAMINATIONS

Six candidates were approved by the Committee to proceed under Regulation 4(2). One sat the required examination at the Law Society of Alberta and five sat the required examination at Osgoode Hall. The examination was identified by number only and the examiners' report was before the Committee.

Four candidates passed and two failed.

Approved

PETITION

The Committee considered and approved one petition for permission for the late filing of documents for admission to student membership in the Society and that the period of work from 4th June 1979 be counted towards the articling requirement. The petitioner submitted all necessary documents, the requisite fee and a fine for late filing. The petition was also before the Legal Education Committee.

REGULATION 26

On 20th February 1980, The Lieutenant Governor in Council approved the amendment to Regulation 26 of The Law Society Act so that a 'Certificate of Qualification' issued by the Joint Committee on Foreign Accreditation will be accepted as an academic qualification for entrance to the Bar Admission Course.

Noted

CALL TO THE BAR – DEFERMENT

The Director asked the Committee whether a graduate of the Bar Admission Course may defer being called to the Bar and if so, for how long.

The Committee recommended that the Director be instructed to advise the students concerned that if they wish to defer their call beyond 30th June 1980 they should file petitions setting forth the request they wish to make.

THE REPORT WAS ADOPTED

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CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Robert Willson Weist
Yves Pratte
Paul David Stunt

....

PUBLIC RELATIONS COMMITTEE–Mr. Goodman

Mr. E. A. Goodman, Chairman, presented the Report of the Public Relations Committee of its meeting on Thursday, 7th February, 1980. This Report was stood over by Convocation on Friday, 15th February, 1980.

The following members were present: Messrs. Goodman (Chairman), Arthurs, Carthy, Shibley, Willoughby and Yachetti.

INSTITUTIONAL ADVERTISING

Panels on Family Law Reform Act

The film on the Family Law Reform Act that was shown to the Committee in June 1979, after undergoing substantial revision, was refilmed. It was shown to the members of the Committee and other Benchers in the Muniments and Memorabilia Museum during the lunch hour on Meeting Day. The Committee was asked to recommend to Convocation that the Society sponsor this pilot film at no cost to the Society. It is understood that the television company CHCH, Hamilton, is prepared to produce a series of thirteen television films, also at no cost to the Society, which would be distributed to stations throughout the Province.

The Committee so recommended.

THE REPORT WAS ADOPTED

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REQUEST OF CHIEF JUSTICE OF ONTARIO– TRIALS IN OSGOODE HALL

The Treasurer referred to a request by Chief Justice Howland that the Society agree to permit trials to take place in Osgoode Hall for a limited period of three months during the summer of 1980. He referred to the agreement with the Society that trials would not take place in Osgoode Hall.

The matter was referred to the Treasurer, with power to act after consulting the Special Committee which is dealing with the question of the West Wing, namely, the Treasurer, Messrs. Thom, O'Brien, Pepper, Bowlby, and the Secretary.

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LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 12th March, 1980.

The following members were present: John D. Bowlby, Chairman, Messrs. Barnes, Chadwick, Ms. Cornish, Messrs. Ellis, Ferrier, Gilchrist, Lamb, Linden, Michon, Noble, Ruby, Mrs. Smyth, Mrs. Tait, and Messrs. Wallace and Yachetti.

The following observer member was also present: Ronald G. Thomas, Q.C., The Criminal Lawyers' Association.

Also present by invitation were: E. G. Heagle, Executive Co-ordinator, Strategic Planning and Policy Secretariat, Ministry of Community and Social Services; Michael Tomchak, Standard Development Specialist, Ministry of Community and Social Services; A. G. Campbell, Assistant Deputy Attorney General; Glen Carter, General Manager, Ministry of the Attorney General; F. Allan Huckabone, President, Renfrew County Law Association; and James W. Frazer, Executive, Renfrew County Law

Association.

REPORT OF THE DEPUTY DIRECTOR

(a) Finance

The Director's report, pursuant to Section 95(2), for the ten month period ended January 31, 1980, shows that payments from the Legal Aid Fund were less than budget by $783,000. Of this total $152,000 represents under-expenditure of designated Community Clinic funds. The remaining $631,000 is accounted for as follows:

Under Budget	$	$
Criminal certificate accounts	719,000	
Civil certificate accounts	302,000	
Provincial Office costs	18,000	1,039,000
Over Budget		
Duty Counsel payments	217,000	
Area Office costs	14,000	231,000
		808,000
Less: Expenditures with no budget		
Research Facility	132,000	
Special Projects	45,000	177,000
		631,000

Income from sources other than the Province of Ontario was over budget by $32,000 as follows:

Over Budget		
Law Foundation	225,000	
Client contributions	17,000	242,000
Under Budget		
Costs recovered	208,000	
Miscellaneous income	2,000	210,000
		32,000

As at January 31, 1980, there was a balance in the fund of $181,000.

(b) Statistics

The following table compares reported activity for the first ten months of this fiscal year with the activity for the same period in the previous fiscal year.

	10 Months ended		*% Change from*
	Jan. 31, 1980	*Jan. 31, 1979*	*last year*
Summary Legal Advice	37,748)		
	)	95,145	– 5.0
Referrals to other agencies	52,608)		
Applications for certificates	97,934	92,052	+ 6.4
Refusals	32,265	29,304	+ 10.1
As a percentage of applications	32.9	31.8	
Certificates issued	69,133	66,531	+ 3.9
Persons assisted by Duty Counsel:			
Fee for service	130,945	124,435	
Salaried Duty Counsel	45,043	29,689	
Total	175,988	154,124	+ 14.2

(c) Budget Estimates 1980-1981

In January Convocation approved the budget estimates for the coming fiscal year, 1980-81, which would have required the Provincial Government to contribute $34,665,000 to the operating costs of the Plan. This contribution represented an increase of $4,961,000 over the amount approved by the Provincial Government for 1979-1980.

The Ministry of the Attorney General advised the officers of the Plan that the Management Board of Cabinet approved a total Government contribution of $31,203,000 which is an increase of $1.5 million, or 5% over last year's contribution. Based upon the estimate originally approved by Convocation in January, this reduction in the Government contribution will have the effect of creating a short-fall in funding for the coming year of almost $3.5 million.

The Deputy Director was instructed to prepare a revised Budget Estimate for the coming fiscal year taking into account priorities among the various components of the Legal Aid Budget.

LEGAL ACCOUNTS

(a) REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	February 1980	*11 Months to Feb. 29/80*	*11 Months to Feb. 28/79*
Reviews on hand	651		
Reviews received in	164	1413	1415
	816		
Settlements reviewed in	30	766	1269
Settlements awaiting review at end of	786		
	816		

Appeals

	December	*January*	*February*
Appeals to Taxing Officer received during	–	5	1
Appeals heard by Taxing Officer	2	–	–
Appeals pending at the end of the month	–	5	6
Appeals abandoned	–	–	–

Activity

	1979/80 Fiscal Year		*1978/79 Fiscal Year*	
	Month of Feb. 1980	*11 Months to Feb. 1980*	*Month of Feb. 1979*	*11 Months to Feb. 1979*
Accounts on hand at beginning	13065	7273	7049	6016
Accounts received	6303	62146	6032	60036
Total accounts to be processed	19368	69419	13081	66052
Less: Files Cancelled	54	367	39	390
Accounts processed	7845	57583	5977	58597
Balance	11469	11469	7065	7065

In addition to the number of accounts for services completed there were:				
Interim Accounts	425	3106	269	2632
Supplementary Accounts	328	2888	247	2794
Total	753	5994	516	5426

(b) NOTES TO REPORT OF THE LEGAL ACCOUNTS OFFICER

Approximately 1,500 more accounts were processed during the month of February, 1980 than were received. The backlog of 11,469 accounts at the end of February is 697 less than the total number of accounts received during the months of January and February. The Legal Accounts Department was able to process more criminal accounts than civil accounts because it had more persons working on criminal accounts. At the end of February there was no backlog on criminal accounts.

164 requests to have settlements reviewed were received in the month of February. 30 settlements were reviewed, leaving 786 settlements awaiting review.

A notice is being placed in the Legal Aid Newsletter advising solicitors that there is a backlog in reviews as priority is being given to the settlement of unpaid accounts.

One appeal to the Taxing Officer was received in February. None were heard, leaving 6 pending at the end of the month.

REPORT OF SUB–COMMITTEE ON STATISTICS RE: REFUSALS OF LEGAL AID APPLICATIONS

At its February meeting the Legal Aid Committee inquired as to whether it was possible to extract from the statistics pertaining to refusals what percentage of the refusals related to failure of the applicant to qualify financially as opposed to refusals pertaining to the nature of legal services required. The Committee also wished to know whether the percentage of refusals was consistent throughout the province.

The Deputy Director presented the report of the statistics sub-committee which had been appointed to provide a more meaningful analysis of statistical information received from area offices. The sub-committee report contains two distribution charts which were prepared in order to examine the uniformity or lack thereof among the Legal Aid areas. The charts reflect refusal rates by individual areas for each of two major categories of refusal, i.e., failure to qualify (chart 1) and refusal to accept financial conditions (chart 2).

The interim Report of the sub-committee was before the Committee and Convocation.

STANDING COMMITTEE RE SALARIES

The Standing Committee consisting of Noel Ogilvie, Chairman, James B. Chadwick, Lee K. Ferrier, E. A. Goodman, and D. W. Jones, was appointed to review salaries paid the administrative staff of the Ontario Legal Aid Plan.

The Standing Committee met on 14th February, 1980 to undertake the annual review of salaries of the senior administrative staff, the senior staff who receive monthly pay cheques in the Provincial Office and in the York County Office, the three Deputy Area Directors and the Area Director for Middlesex, Oxford and Perth.

The Legal Aid Committee reviewed in depth the report of the said Standing Committee and there was discussion as to the payment of salaries with respect to the Clinic Funding staff in the Provincial Director's office. The view was expressed that because the Clinic Funding Committee by statute is only obligated to report directly to Convocation the salaries of the said Clinic Funding staff should not be fixed by the Legal Aid Committee.

Therefore, a decision on the matter of salaries paid to the Clinic Funding staff was set over to the April meeting of the Legal Aid Committee. The Legal Aid Committee will then hear recommendations emanating from a joint meeting of the Clinic Funding Committee and the Standing Committee re Salaries. The joint meeting will take place on Wednesday, March 26, 1980.

The Legal Aid Committee approved the Report of the subcommittee on salaries which was before Convocation.

NIGERIAN REQUEST FOR ON - THE - JOB LEGAL AID TRAINING

At its September meeting the Legal Aid Committee reviewed a letter from the Department of External Affairs requesting that the Ontario Legal Aid Plan provide on-the-job legal aid training for officers of the Nigerian Legal Aid Plan.

The Committee requested the Director to write the said Department asking for more specific information. The Director received correspondence from the Department of External Affairs suggesting:

1. That observers from Nigeria be sent for a maximum period of three months.
2. That it be a continuous program and that one or two Nigerian observers be in attendance.

The Committee reviewed the correspondence and requested the Director to write to the Department of External Affairs advising that the Ontario Legal Aid Plan is not in a position at the present time to facilitate this proposed program.

The Committee was mindful of the demands now being made on the Plan's administrators with respect to the development of a Research Facility, the proposed pilot projects involving the use of staff investigators and social workers, the development of a mentor program, the restructuring of the Criminal Legal Aid Panel in York County, the re-adjustment of the Legal Accounts Department in processing accounts under the new Tariff and the development of a Clinic Funding program. In brief, the Ontario Legal Aid Plan is operating at peak capacity to fulfil its duty to provide legal services to the citizens of Ontario.

NEW APPLICATION FORM FOR LEGAL AID

The present application form for Legal Aid does not provide enough information about an applicant's circumstances upon which a meaningful decision can be made as to whether the furnishing of legal aid is "justified".

Representatives of the Ontario Legal Aid Plan and of the Ministry of Community and Social Services have worked closely together over the past several years in developing and designing a new joint form of application for legal aid. The new joint form of application and assessment will be much more convenient to most applicants as it will mean that whereas two attendances were required previously, over a period of as much as several weeks, now both may be completed at the initial interview.

The proposed new application form will not only be useful to an Area Director when determining whether a certificate should be issued but will also be useful to:

(i) the Provincial Director, who in determining whether a person "not ordinarily a resident in Ontario" should receive legal aid here, must have a complete picture of that person's resources and circumstances at the outset, particularly as the Provincial Director's discretion in such cases is absolute and there is no appeal provided from it under the Legal Aid Act or Regulation. (See Section 16(9) of the Act.)

(ii) The Legal Accounts Officer, who in considering whether the Plan should insist upon recovering its costs from the fruits of an action funded by it,needs to know the applicant's circumstances and resources in order to assess whether a hardship will be worked upon the applicant if Legal Aid does require payment of such costs.

(iii) the Collections Manager, who in determining whether to pursue collection or compromise the Plan's security, wants to know the whereabouts and circumstances of the legal aid recipient at the time of application.

(iv) the Staff Investigator, who if requested to confirm the circumstances of an applicant, must have at least some basic facts upon which to start.

(v) the Legal Aid Committee, which in considering an application under Part VII of the Regulation, i.e., for the payment of costs out of the Fund, must have complete information on the circumstances of the legally-aided litigant, both at the time of his original application for legal aid and later when the Part VII application is made.

The new application form will be implemented on a pilot project basis at this time. Through its use during the pilot project period the need for modification may become apparent.

The new Application Form was before the Committee and Convocation.

MINISTRY OF COMMUNITY AND SOCIAL SERVICES' NEW FINANCIAL ELIGIBILITY CRITERIA FOR APPLICANTS

At the February meeting of the Legal Aid Committee the Report of the Provincial Auditor for the year ended March 31, 1979 was reviewed. Attached to the Auditor's report was the Ministry of Community and Social Services new Legal Aid Financial Eligibility Test.

Section 44 of the Legal Aid Regulation reads as follows:

> "The financial abilities and needs of applicants shall be determined in accordance with standards established by the Department of Social and Family Services."

Section 16(3) of The Legal Aid Act reads as follows:

> "The assessment officer to whom an application is referred shall consider the income, disposable capital, indebtedness, requirements of persons dependent on the applicant, and such other circumstances as he considers to be relevant that are disclosed in the application or that he ascertains after investigation, and he shall report to the area director as to whether the applicant can pay no part, some part or the whole of the cost of the legal aid applied for and the sum, if any, the applicant is able to contribute towards the cost thereof."

Section 16(5) of The Legal Aid Act reads as follows:

> "...the area director may issue a certificate only when he has received the report of the assessment officer and only where in the opinion of the area director the issue of a certificate is justified."

The Ministry of Community and Social Services new Legal Aid Financial Eligibility Test comprises two sections, "A" and "B".

Section "A" reflects the following principle:

> That a simplified and abbreviated needs test be utilized for persons in receipt of:
>
> Family Benefits Allowances or General Welfare Assistance and for persons having a total gross income less than or equivalent to certain established levels.

Section "B" reflects the following principle:

> That applicants with higher incomes be subjected to a more comprehensive needs test to determine their financial eligibility.

At the Legal Aid Committee meeting in February, 1980, concern was expressed as to the new criteria set out in Section "B" of the Ministry's proposed new Legal Aid Financial Eligibility Test.

A sub-committee was appointed consisting of Professor S. R. Ellis, Ms. Mary F. Cornish and Brad Nixon, student representative. The sub-committee met with John Anderson, Assistant Minister, Ministry of Community and Social Services, on February 22, 1980 to discuss the Legal Aid Committee's concerns.

The Legal Aid Committee accepted the said sub-committee's recommendation:

> That Section "A" of the Ministry's new Legal Aid Financial Eligibility Test be implemented forthwith.

The Legal Aid Committee approved a recommendation:

> That the Ministry of Community and Social Services be asked to delay the implementation of Section "B" pending a review by the Legal Aid Committee and a further report to Convocation concerning the matter.

JOINT COMMITTEE

(a) FUNDING THE RESEARCH FACILITY THROUGH THE LAW FOUNDATION OF ONTARIO

The Joint Committee under the Chairmanship of Lee K. Ferrier, Q.C., recommended that The Law Foundation of Ontario be requested to fund the operating costs of the Research Facility from the 25% of its income which does not come to the Legal Aid Fund. The Research Facility's budget for the fiscal year 1981 is in the sum of $408,345.

The concept of the Research Facility was approved by the Legal Aid Committee and by Convocation and subsequently by the Attorney General.

The recommendation for a Research Facility was initiated by a sub-committee formed to study the delivery of legal aid services under the Plan. Among the recommendations was one to establish a central criminal law research facility to collect, collate and distribute research performed by lawyers acting under Legal Aid Certificates.

In October, 1978, the Attorney General at the Annual Meeting of the Law Society announced that Cabinet had approved a tariff increase in principle "... linked to the development of mechanisms to maximize effective deployment of Legal Aid funds."

The mechanisms announced by the Attorney General included a Research Facility which had, as stated, been approved by the Legal Aid Committee and Convocation.

The representatives from the Ministry of the Attorney General who attended the Legal Aid Committee's March, 1980, meeting pointed out that there had been severe cut-backs in all areas of Government spending including the Legal Aid Plan.

The Legal Aid Committee concluded that it was the Law Society's responsibility to press for funds for the Research Facility from any source.

It was pointed out that the Law Foundation's terms of reference specify that *at least 75%* of its funds be directed to Legal Aid. It was also noted that the Law Foundation has a mandate to fund legal research and that the Plan's Research Facility clearly falls within the said category. It is anticipated that the Research Facility will become an income generating component of the Plan through the sale of research material to the lawyers acting without Legal Aid Certificates and that the application for funding from the Law Foundation does not imply a need for continuing grants being made available in the future.

The view was expressed and accepted by the Legal Aid Committee that this application does not contemplate any intrusion on the funds allocated to the Libraries Committee.

After review the Committee recommended:

> That Convocation be requested to apply to the Law Foundation for a grant to be applied in the 1980-81 fiscal year to fund the Law Society's Research Facility.

(b) RESEARCH FACILITY

The Director of the Research Facility recommended continuing the present process of making the services of the Research Facility available on a graduated basis to criminal practitioners throughout the province acting on legal aid certificates.

He noted that over 400 letters had already been forwarded to the Bar advising them of the Research Facility's services and that a steady flow of inquiries had resulted. He recommended that another 600 letters be sent to panel lawyers throughout Ontario.

The Director of Research recommended this graduated approach to full formal opening of the Research Facility be continued for the following reasons:

(a) His recruitment of further staff was behind schedule due to the number of inquiries presently being received, and the time needed to train research staff already in place;

(b) the inability to yet predict what volume of inquiries would be generated by a formal announcement of the opening of the Research Facility to the Bar at large.

The Legal Aid Committee read with interest the Telephone Service Memoranda and correspondence received by the Director of the Research Facility from members of the Bar.

Samples of such memoranda and letters received were before Convocation.

(c) SPECIAL PROJECTS – MENTOR PROGRAM

The Special Projects Co-ordinator reported that Arthur Maloney, Q.C., and David Humphrey, Q.C., have agreed to be Chairmen of the Mentor Program.

A list of members of the board is currently being formulated in consultation with Mr. Maloney and Mr. Humphrey.

A letter has been distributed to over 500 members of the York County Criminal Panel who received 50 points or less on the panel questionnaire inviting their participation in the program.

At the suggestion of the Chairman a seminar series is to be organized at which the mentors will discuss various cases in order to share their experience. It is hoped that the Mentor Program will be officially launched by mid-April.

APPOINTMENT OF AREA DIRECTOR – RENFREW COUNTY

James B. Chadwick, Area Director, Carleton County, has been acting Area Director for Renfrew County since the retirement of the local Area Director. The Renfrew County Law Association has continually requested that an Area Director be appointed from their Association and has recommended *Robert Bruce Leach* as Area Director.

Allan Huckabone and James W. Frazer, being respectively the President and an Executive of the Renfrew County Law Association, attended the meeting and made representation that the applicant for the position of Area Director has demonstrated a sense of reliability and good judgment and has the unanimous support of the Renfrew County Law Association.

The Committee recommended that *Robert Bruce Leach,* solicitor, be appointed Area Director for the County of Renfrew.

APPLICATION FOR NEW LEGAL AID AREA NO. 47

At present there are 46 Legal Aid areas in Ontario. In York County the region lying north of Steeles Avenue, within the Regional Municipality of York, will become a separate judicial district. Newmarket will be the county town. The Newmarket Court House will open on April 28, 1980.

W. Reid Donkin, Area Director, York County, requested that the Legal Aid Committee approve a recommendation to add an Area 47 to bear the same name as the name of the judicial district when it is created and to come into force at the same time as the legislation which created the new judicial district. It was proposed the Area Director of York County will be the Area Director at Newmarket and that his functions will be carried out by a member of the York County staff who will visit Newmarket approximately twice weekly. These arrangements are administratively possible and have met with general acceptance.

The Committee recommended that a new Legal Aid Area No. 47 be established when the said new judicial district is created.

AREA COMMITTEES

(a) APPOINTMENTS

Kent County

J. A. Burgess Jr., solicitor

Niagara South

Peter J. Jurmain, solicitor

Victoria & Haliburton Counties

David R. Gemmill, solicitor

(b) RESIGNATIONS

Kent County

Frank A. Hyde, solicitor

Niagara South

Sean F. Foley, solicitor

THE REPORT WAS ADOPTED

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CLINIC FUNDING REPORT

Mr. Bowlby also presented the Report of the Director of Legal Aid, dated 12th March, 1980, with respect to Clinic Funding.

CLINIC FUNDING

The Clinic Funding Committee submitted one Report to the Director recommending funding for various projects.

The Director recommended to Convocation that the Report of the Clinic Funding Committee, dated March 12, 1980 be adopted.

The following is a summary of the Report which covers all applications for funding and allocations considered and approved by the Committee subsequent to its Report of 10th January, 1980:

1.	Thunder Bay District Native Legal Counselling Services To provide payment for legal advice and assistance to the clinic during the absence of a full-time staff lawyer (a new staff lawyer will commence employment 14th April, 1980)	up to $ 3,500
2.	Capital Costs and Moving Expenses Allocation to meet such items in relation to community clinics prior to the end of the fiscal year	up to $22,000
3.	Metro Tenants Legal Services To provide a training program in tenant advocacy with respect to certain new sections of the Residential Premises Rent Review Act, including seminars to be attended by community legal workers employed in clinics in southern Ontario	up to $ 1,010

THE REPORT WAS ADOPTED

. . . .

DISCIPLINE COMMITTEE—Mr. Carnwath

Re: JAMES WALTER BANNISTER, Caledon

Mr. J. D. Carnwath, Chairman, placed the matter before Convocation.

The reporter was sworn.

Messrs. Ferrier, Outerbridge and Wardlaw withdrew from Convocation, took no part in the discussions and did not vote.

The solicitor attended with his counsel, Mr. J. Douglas Crane, Q.C. The Society was represented by Mr. Grant W. Howell, Q.C.

Convocation had before it the Report of the Discipline Committee, dated 13th March, 1980, wherein the solicitor was found guilty of conduct unbecoming a barrister and solicitor. The Committee found that the solicitor had been convicted of being drunk in a public place, of having a firearm in his possession that was dangerous to other persons, of refusing a breathalyzer test and twice driving while his ability was impaired by alcohol.

It was moved and seconded that the Report of the Discipline Committee be accepted.

With the consent of counsel for the solicitor, the reading of the Report of the Discipline Committee by the Secretary was waived.

Counsel for the solicitor made no submissions respecting the Report.

The Report of the Discipline Committee was marked as *Exhibit 1*.

Convocation also had before it a letter dated 18th March, 1980, from Mary Oleksuik, C.L.S.W., Office Manager of Prince Albert & District Community Legal Services Society of Prince Albert, Saskatchewan, to The Law Society of Upper Canada, stating that: "This will confirm that Mr. James W. Bannister has joined our firm as of March 10, 1980." The letter was marked as *Exhibit 2*.

The solicitor, counsel and the reporter withdrew.

The motion that the Report of the Discipline Committee be accepted was *carried*.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Report had been accepted by Convocation.

The Treasurer read the Recommendation as to Penalty of the Discipline Committee, dated 13th March, 1973, namely, that the solicitor be reprimanded in Convocation; that he pay the Society's expenses incurred in this investigation up to $800 within six months of the date of the Report; and that he undertake to the Society that he will continue the program of medication as prescribed by his present doctor, or his successor.

Counsel for the solicitor made submissions with respect to penalty, supporting the Committee's Recommendation as to penalty.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the solicitor be reprimanded in Convocation; that he pay the Society's expenses incurred in this investigation up to $800 within six months of the date of the Report; and that he undertake to the Society that he will continue the program of medication as prescribed by his present doctor, or his successor.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motion which was passed in Convocation and the solicitor was informed of his right of appeal. The solicitor waived his right of appeal and requested that the Order of Reprimand in Convocation be carried out forthwith. He agreed that the Society should recover from him the sum of $800 representing part of the expenses incurred by it in the investigation. He undertook to Convocation to continue the treatment prescribed by his present doctor, such undertaking to be embodied in a letter to the Society to be prepared by his counsel.

Counsel and the reporter retired.

The solicitor was reprimanded by the Treasurer.

The solicitor retired.

....

Re: MICHAEL JOSEPH FRANCIS DELANEY, Toronto

Mr. Carnwath placed the matter before Convocation.

The reporter was sworn.

Mr. Humphrey withdrew from Convocation, took no part in the discussions and did not vote.

The solicitor attended with his counsel, Mr. Ian G. Scott, Q.C., and Mr. Thomas P. McIver, Q.C. Mr. Jonathan H. Marler represented the Society.

Convocation had before it the Report of the Discipline Committee, dated 12th February, 1980, wherein the solicitor was found guilty of professional misconduct. While acting both as solicitor and as sole executor of an estate, he had invested estate money in first, second and third mortgages given by other clients contrary to the provisions of the will of the deceased.

Counsel concurring, Convocation waived the reading of the Report of the Discipline Committee by the Secretary.

It was moved and seconded that the Report of the Discipline Committee be accepted.

On behalf of the solicitor Mr. Scott made submissions respecting the Report.

The solicitor, counsel and the reporter withdrew.

(See p. 155.)

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CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

. . . .

The Treasurer and Benchers had as their guest for luncheon The Honourable Yves Pratte, Q.C., former Judge of the Supreme Court of Canada, now in private practice, following his Call to the Bar of Ontario.

. . . .

CONVOCATION RESUMED AT 2:15 P.M.

. . . .

PRESENT:

The Treasurer and Messrs. Affleck, Barr, Bowlby, Carnwath, Carthy, Cass, Doran, Farquharson, Ferrier, Genest, Goodman, Lamont, Mrs. Legge, Messrs. Lerner, Pepper, Ruby, Mesdames Sutherland and Tait, Messrs. Tebbutt, Thom, Wardlaw and Willoughby.

. . . .

PROFESSIONAL CONDUCT COMMITTEE–Mr. Ground

Mr. P. Genest, Vice-Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 13th March, 1980.

The following members were present: Messrs. Ground (Chairman), Carnwath, Goodman, Humphrey, Lamont, McWilliams, Outerbridge, Strauss, Mrs. Sutherland and Mr. Wardlaw.

1. An organization wrote to the Society to enquire of the possibilities of supplying lawyers on a temporary basis to law firms.

The Committee is concerned that this issue may involve problems of fee splitting and the practice of law by a corporation.

The Committee instructed the Secretary to write for additional information about the manner in which the law firm hiring the temporary help would be billed, by whom the lawyer being hired would be paid, and on what basis the organization would be paid.

2. Canada Law Book in its 1980 edition of the Lawyer's Phone Book is asking sole practitioners to select either General Practice or up to three preferred areas of practice. It is permissible in the yellow pages of the telephone directory to list under General Practice and up to three preferred areas of practice and Canada Law Book feels that this provision should be extended to cover all phone directories and not just the one covered by the telephone company.

Rule 13, Commentary 14(a) and 14(b), states that a lawyer may advertise that he is in General Practice or up to three preferred areas of practice. This means that a sole practitioner would not be permitted to list under General Practice and three preferred areas of practice.

At Convocation on January 19th, 1979 the Treasurer referred to the position of sole practitioners under the advertising rule and said that it would be interpreted so as to operate fairly for sole practitioners by allowing them the same advantage as law firms and permitting them to list their firm names under "General Practice" and their own names under up to three of the preferred areas of practice.

The Committee is of the opinion that the advertising rule should be amended so as to allow sole practitioners the same advantages as for firms of several lawyers. The Committee recommended Rule 13, Commentary 14(a) and 14(b), be amended to read as follows:

> 14(a) A lawyer may publish a professional card in any publication provided that the publication will accept cards from lawyers without restriction. The professional card may contain information that he is in General Practice, or

> *in General Practice and* in up to three of the preferred areas of practice defined by Convocation, *or in up to three of the preferred areas other than General Practice,* provided that he complies with the requirements respecting those areas approved from time to time by Convocation; it may also contain information concerning the languages in which he is proficient and capable of conducting his practice, his addresses, telephone numbers and office hours and his fee for an initial consultation. The card shall be no larger than 12 square inches or approximately 72 square centimeters in size. A lawyer may also publish as aforesaid and circulate among the profession or among his clients announcements containing information pertaining to his practice such as change of office hours, change of address or change of personnel.
>
> 14(b) A lawyer may insert a listing in the white pages of the telephone company directory for each place in which he maintains an office for the practice of law. In the yellow pages of the telephone company directory, in addition to a listing for each place in which he maintains an office for the practice of law, a lawyer may insert a listing in the yellow pages published for that area in which he can reasonably be considered to practise law. Such listings in a telephone company directory may contain the information referred to in sub-paragraph 14(a) and shall be no larger than is reasonably necessary to convey such information. Where the part of the yellow pages devoted to listings by lawyers provides separate sections for "General Practice" and for the preferred areas of practice approved by Convocation from time to time a lawyer may insert a listing under "General Practice" *and* may insert listings under not more than three such preferred areas of practice. A firm of lawyers may either:
>
> (1) list the firm name only under "General Practice" and the names of each of the lawyers practising with the firm under up to three of such preferred areas of practice, followed by the firm name in brackets, or,
>
> (2) list the firm name only under up to three such preferred areas of practice.

3. A member of the profession has written to the Society advising that he acts on behalf of a trust company in connection with a number of Power of Sale matters. From time to time his client will request that a public auction of the property be held. This is usually done through the services of one of the many auction firms in Toronto. He asked whether it would be appropriate for a lawyer to take out an auction licence and to conduct such an auction in the course of his practice where such practice consists of selling properties on behalf of clients under Powers of Sale.

The Committee is concerned that there may be situations where the member's duty to his client could conflict with his duty as an auctioneer. The Committee instructed the Secretary to write the member referring him to the requirements in Rule

6 that outside interests are not to jeopardize a member's professional integrity and independence and the Committee's concern about a possible conflict of interest.

4. A number of other matters were considered with the appropriate instructions being issued in each instance.

THE REPORT WAS ADOPTED

. . . .

DISCIPLINE COMMITTEE (Continued)

Re: MICHAEL JOSEPH FRANCIS DELANEY, Toronto

Convocation resumed its deliberations with respect to this matter.

The solicitor, counsel and the reporter returned.

Counsel made submissions respecting the Report on behalf of the Society.

Counsel for the solicitor made submissions in reply.

The solicitor, counsel and the reporter withdrew.

The motion that the Report of the Discipline Committee be accepted was *carried*.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Report had been accepted by Convocation.

The Treasurer informed Convocation that the Recommendation as to Penalty of the Discipline Committee is that the solicitor's rights and privileges as a member be suspended for six months and that he pay the expenses incurred by the Society as a result of its investigation and the hearing (not to exceed $6,000).

Counsel for the solicitor made submissions respecting penalty and filed an affidavit sworn by the solicitor on 20th March, 1980.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that the solicitor be reprimanded in Convocation and pay the expense of the Society's investigation in the amount of $2,000.

It was moved, by way of amendment, but not seconded, that in addition the solicitor undertake not to act as both solicitor and executor in any estate.

It was moved and seconded that the solicitor be reprimanded in Convocation and pay the expense of the Society's investigation in the amount of $6,000.

The motion that the solicitor be reprimanded and pay the sum of $6,000 on account of the Society's expense was *lost.*

The motion by way of amendment, not being seconded, was *not put.*

The motion that the solicitor be reprimanded and pay $2,000 on account of the Society's expense was *carried.*

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motion that was carried with respect to penalty and the solicitor was informed of his right of appeal. The solicitor waived his right of appeal and requested that the Order of Reprimand in Convocation be carried out forthwith. He agreed that the Society should recover from him the sum of $2,000 representing part of the expenses incurred by it in the investigation and hearing.

Counsel and the reporter retired.

The Treasurer reprimanded the solicitor.

The solicitor retired.

....

Re: JOHN FRASER PAUL HARGRAVE, Toronto

Mr. Carnwath placed the matter before Convocation.

The solicitor attended with his counsel, Mr. W. Ross Snobelen. The Society was represented by Mr. Thomas J. Lockwood.

Convocation had before it the Report of the Discipline Committee dated 14th February, 1980, wherein the solicitor was found guilty of conduct unbecoming a barrister and solicitor. He had been convicted in the County Court Judges' Criminal Court of conspiring to defraud the public and sentenced to imprisonment for a term of seven months.

With the consent of counsel, Convocation dispensed with the reading of the Report of the Discipline Committee by the Secretary.

It was moved and seconded that the Report of the Discipline Committee be accepted.

Counsel for the solicitor made no submissions respecting the Report.

The solicitor, counsel and the reporter withdrew.

The motion that the Report of the Discipline Committee be accepted was *carried.*

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the acceptance of the Report by Convocation.

Convocation was advised that the Recommendation as to Penalty of the Discipline Committee is disbarment.

Counsel for the solicitor made submissions respecting penalty.

The solicitor, counsel and the reporter retired.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The solicitor and counsel were advised of Convocation's disposition of the matter.

....

LIBRARIES AND REPORTING COMMITTEE– Mr. Farquharson

Mr. G. H. T. Farquharson, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 13th March, 1980.

The following members were present: Messrs. Farquharson (Chairman), Lerner, Mrs. Tait, Messrs. Willoughby, Yachetti, Miss A. R. McCormick and Mr. D. V. Burnett.

GREAT LIBRARY

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

SUPREME COURT OF CANADA

The Chief Librarian indicated that free copies of the Supreme Court Reports and the Bulletin of proceedings in the Supreme Court of Canada will no longer be supplied free to libraries by the Supreme Court. The cost of the Reports for 1980 will be $42 per volume. The cost of the Bulletin is $60 per annum.

Noted

GREAT LIBRARY STAFF

The Secretary reported that the senior position in the Great Library had been filled by Mr. Glen Howell, B.A., LL.B., M.L.S., Barrister and Solicitor, who will commence his employment on April 14th, 1980. He will be responsible for the County and District Libraries and the Central Administrative Program. Mr. Howell was formerly Assistant Librarian, Supreme Court of Canada.

REQUEST FOR STATUTES

Mr. Clayton Ruby requested that Grenada be supplied with a complete set of Ontario and Federal Statutes. The Committee recommended that the Law Society provide Grenada with an out-of-date set of Ontario and Federal Statutes providing that Grenada will pay the cost of postage.

COST OF LEGAL PUBLICATIONS

A letter was received from a solicitor concerning the cost of legal publications. The Committee recommended that a letter be sent by the Chairman of the Committee to all law book publishers setting out complaints that the Committee had received regarding high cost of law books and supplements and that an item be placed in the Communiqué drawing this to the attention of the profession.

BRUCE COUNTY LAW ASSOCIATION REQUEST FOR FINANCIAL ASSISTANCE

A letter was before the Committee from the Bruce County Law Association requesting financial assistance for renovations to the County Law Library. The Chief Librarian was instructed to write to the Association and indicate that it should contact the Ministry of the Attorney General concerning this matter since it deals with capital expenditures.

IDENTIFICATION CARDS

A solicitor wrote suggesting that identification cards be used by solicitors and students-at-law when signing out texts in the Great Library. This matter was deferred until the next meeting of the Committee so that the Chief Librarian could prepare a report as to the cost of identification cards.

COUNTY AND DISTRICT LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their annual returns for the year 1979. The amounts of the grants which each should receive under the Regulation for 1980 and that which it received in 1979 are as follows:

	1979	*1980*
Brant	$2,000.00	$2,000.00
Bruce	1,810.00	1,635.00
Carleton	2,000.00	2,000.00
Cochrane	2,000.00	2,000.00
Dufferin	1,180.00	1,250.00
Elgin	1,740.00	1,740.00
Essex	2,000.00	2,000.00
Huron	1,250.00	1,145.00
Kenora	1,300.00	1,160.00
Lanark	1,390.00	1,740.00

	1979	*1980*
Lennox & Addington	830.00	760.00
Lindsay	1,285.00	1,355.00
Lincoln	2,000.00	2,000.00
Middlesex	2,000.00	2,000.00
Oxford	2,000.00	2,000.00
Peel	2,000.00	2,000.00
Perth	1,565.00	1,670.00
Renfrew	1,425.00	1,740.00
Simcoe	2,000.00	2,000.00
Welland	2,000.00	2,000.00
Wellington	2,000.00	2,000.00

Approved, subject to the approval of the Finance Committee.

YORK NORTH LAW ASSOCIATION

The Chief Libarian submitted a report on the request of York North Law Association for a first year grant under Regulation 33 of The Law Society Act. The Chief Librarian also indicated that an application should be made to The Law Foundation of Ontario for an amount for Law Libraries, Statutes and Texts in order that this library can be established. The Committee recommended that this matter be deferred until more information is available as to the number of members of the Association, the amount being paid by each member and the estimated cost of a basic minimum law library.

HURON LAW ASSOCIATION

The Secretary reported that a letter was received from this Law Association requesting a special grant of $3,000 to pay for the expected deficit in 1980. The Committee recommended that subject to the approval of the Finance Committee, a special grant of $3,000 be paid to the Huron Law Association.

SUB–COMMITTEE ON COUNTY LAW LIBRARIES

The Committee discussed the application of the Society to The Law Foundation of Ontario for the balance of the funds which were requested on December 3, 1979. The Secretary was instructed to draft a letter to be sent to all of the County and District Law Libraries indicating the amount that each will receive as its share of the interim grant made on December 3, 1979 and an explanation of how that amount was calculated.

REPORTING

ONTARIO REPORTS CANADA LAW BOOK TENDER

The Secretary reported that he had received a tender from Canada Law Book Limited to publish the Ontario Reports for the period July 1, 1980 to December 31, 1980. The Committee discussed the cost analysis prepared by D. V. Burnett, Finance Administrator, which indicated that this tender was a 7.2% increase over the period July 1, 1979 to December 31, 1979. The Committee recommended that the tender be approved, subject to the approval of the Finance Committee.

TENDERS FOR PUBLICATION OF ONTARIO REPORTS

D. V. Burnett, Finance Administrator, presented draft specifications to be sent to companies that indicated a willingness to tender on the contract with the Law Society to publish the Ontario Reports. The Committee recommended that the draft specifications be approved and sent to the companies concerned.

THE REPORT WAS ADOPTED

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DISCIPLINE COMMITTEE (Continued)

GENERAL

It was moved, seconded and *carried* that the General Report of the Policy Section of the Discipline Committee stand and the Compensation Fund Summary be received.

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COMPENSATION FUND SUMMARY

Mr. Carnwath presented the Compensation Fund Summary for the period ended 29th February, 1980.

COMPENSATION FUND

For the Period from 1st July, 1979 to 29th February, 1980

(8 months)

TOTAL RECEIPTS	$ 737,431.97
TOTAL DISBURSEMENTS	$ 691,703.55
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 45,728.42
BALANCE OF FUND at beginning of period	$1,558,782.05
BALANCE OF FUND at end of period	$1,604,510.47
CLAIMS RECEIVED and in the course of being processed at end of period	$6,188,392.17

THE SUMMARY WAS RECEIVED

. . . .

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. P. B. C. Pepper, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 13th March, 1980.

The following members were present: Messrs. Pepper (Chairman), Carthy and Barr.

APPLICATION

The applicant was called to the Bar in 1974 and has been without employment since September, 1979. He has a wife and three young children to support and is unable to pay his annual fees. In a letter received February 11th, 1980, he asked that consideration be given to a grant to pay his annual fees in order to remain in good standing and stated that he is without funds and has no assets. On the authorization of the Chairman, a grant of $500 was made. The Committee was asked to ratify this action.

Approved

THE REPORT WAS ADOPTED

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FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 13th March, 1980.

The following members were present: Messrs. Pepper (Chairman), Brulé, Scace, Tebbutt and Wilson.

ROLLS AND RECORDS

Deaths

The following members have died:

Richard Dalton Moore Walter, Q.C. Toronto (Life Member)	Called – 22 November 1917 Died – 6 February 1980
Henry Siegal Toronto	Called – 17 October 1935 Died – 29 January 1980
Lawrence Allan Lillico, Q.C. Grimsby	Called – 29 June 1950 Died – 16 February 1980
Glen Tadakazu Wakabayashi Toronto	Called – 29 March 1977 Died – 14 February 1980
Mary Roadhouse Malloney, Q.C. Toronto	Called – 14 September 1951 Died – 18 February 1980
Norman Nelson Wardlaw, Q.C. Orangeville (Life Member)	Called – 19 May 1921 Died – 22 February 1980
Roderick Watson MacLean Ottawa	Called – 17 June 1937 Died – 9 May 1979
John Leo Whitney, Q.C. Waterloo	Called – 16 September 1937 Died – 23 February 1980
William Rae Tomlinson, Q.C. Port Elgin (Life Member)	Called – 21 October 1926 Died – 31 December 1979
Jesse Davis McCarthy, Q.C. Ottawa	Called – 21 January 1932 Died – 29 February 1980
Leonard Victor Sutton, Q.C. Toronto (Life Member)	Called – 15 May 1923 Died – 29 February 1980
Elwin Dean Wilkins, Q.C. Sudbury (Life Member)	Called – 21 October 1920 Died – 5 March 1980

Disbarments

The following former members having been disbarred and struck off the rolls, their names have been removed from the rolls and records of the Society:

William Andrew Andrachuk Oakville	Called – 10 April 1964 Disbarred – Convocation 15 February 1980
Gordon Ronald Ramm Hamilton	Called – 23 March 1973 Disbarred – Convocation 15 February 1980
Henry Katz Hamilton	Called – 25 June 1953 Disbarred – Convocation 15 February 1980

Noted

LIFE MEMBER

Pursuant to Rule 49, the following was eligible to become a Life Member of the Society effective 16 January, 1980:

John Edward Milne, Q.C.	Hamilton

Approved

MEMBERSHIP RESTORED

His Honour *William Mossman Dubrule* gave notice under section 31 that he retired as a Judge of the County Court on 15 December 1979 and wished to be restored to the rolls of the Society. Accordingly, his membership has been restored effective 27 February 1980. Mr. Dubrule is over the age of 65 and asked permission to continue his membership without payment of annual fees.

Approved

MEMBERSHIP UNDER RULE 50
Incapacitated Members

The following members who have *not* paid their fees for the year 1979-80 requested consideration of their applications as disabled members to continue their membership in the Society without payment of annual fees:

Alphonse Henri Charron	Cornwall
Wallace Manning Fram	Toronto
Walton Charles Rose	Plockton, Scotland

Approved

RESIGNATION

The following member requested permission to resign her membership in the Society:

Barbara Audrey Betcherman	Toronto

She wished to be relieved of the requirements of publication in the Ontario Reports. Her fees for 1979-80 have not been paid.

Approved

CHANGE OF NAME

The following members have requested that their names be changed on the rolls of the Society and have submitted the required documentation in support:

From	*To*
Darlene Loretta Allems	Darlene Loretta *Carter* (married name)
Kathryn Eleanor Simmons	Kathryn Eleanor *Burns* (married name)

The following student members requested that their names be changed on the rolls of the Society and submitted the required documentation in support:

From	*To*
Beth Marilyn Budovitch	Beth Marilyn *Budd* (Court Order)
Anne Marie Parsonage	Anne Marie *Kramil* (married name)
Carol Gralnick Beckmann *(sic)*	Carol *Beckmann* (maiden name)

Approved

MEMBERS NOT IN ONTARIO

Mr. *Michael E. Cahill* submitted a request on behalf of himself and two other members that the Society create a category of membership for persons not practising in Ontario. Such members, it was suggested, would be able to continue membership at a reduced fee.

Correspondence was before the Committee from Mr. *Cahill,* who practises in California; Mr. *Keith M. Fromm,* who practises in Los Angeles; and Mr. *E. G. Cleland,* who is also a Chartered Accountant and is with a firm of accountants in New York.

The Institute of Chartered Accountants of Ontario allows a reduction of $20 in annual fees payable by members who have moved to another province and become members of the Chartered Accountants body in that province. It also allows a reduction of $35 to members who are no longer in Canada.

The Committee recommended that no change be made.

APPOINTMENT OF SUB–COMMITTEE ON SALARIES

The Committee was asked to appoint a Sub-Committee on Salaries to review the salaries of all employees and make recommendations to be effective 1 July 1980.

The members of last year's Committee were Messrs. Brulé (Chairman), Pallett and Ground.

The Chairman appointed Messrs. Brulé (Chairman), Ogilvie and Scace to be the Salaries Sub-Committee for 1980.

ANNUAL MEETING
HARBOUR CASTLE HILTON HOTEL
FEBRUARY 9, 1980

The cost of providing a reception and luncheon prior to the Annual Meeting was $8,575.80.

The budget for the Annual Meeting was set at $2,000 before it was known that the Society would be hosting the reception and luncheon. 396 persons attended the lunch, although the guarantee was 500. 135 people attended the Annual Meeting.

The invoice was approved for payment by the Chairman, subject to ratification by the Committee.

Approved

TELEPHONE SERVICE
LAWYER REFERRAL SERVICE

The existing telephone equipment in the Lawyer Referral Service Office requires expansion. There are at present 3 extensions and 2 INWATS lines which together take up the total capacity of the existing instruments.

It is necessary to add a fourth telephone and 2 extensions. This means that the existing 6 button phones must be replaced by 10 button phones. The increase in cost is $90.65 per month, with an installation cost of $341.95.

Approved

BUILDING MAINTENANCE

It is necessary to carry out inspection and renovation of the central air conditioning system. D'Arcy Sweeney Limited (Trane Service Agency) has submitted an estimate of $17,250 to complete this work. The estimate is made on a time and materials basis with this figure as the maximum possible cost.

Mr. Heeney and the firm of ACML Operations recommended that this work be put in hand immediately to ensure that the Society's air conditioning equipment will be in operation this summer.

Approved

DISCIPLINE COMMITTEE

Convocation approved a recommendation of the Policy Section of the Discipline Committee in its report dated February 7, 1980, that the Society take on staff six examiners to conduct audit work. The examiners would work under staff chartered accountants.

The estimated salary cost of six examiners would be approximately $100,000 per year. The effect on 1979/80 expenditure is not likely to be great. Because of difficulty in recruiting suitable chartered accountants, there have been vacancies in Mr. Anderson's Department for part of the year, with a consequent saving in salaries. However, the full impact of the six additional persons will be felt in 1980/81.

Approved

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing those law associations which have sent in their Annual Returns for 1979 and setting out the amounts of the grants to which they appear to be entitled under the Regulation in 1979 and 1980. The Libraries and Reporting Committee approved the grants at its meeting on 13th March, 1980, subject to the approval of this Committee.

Approved

At its March meeting the Libraries and Reporting Committee approved the following, subject to the approval of the Finance Committee:

(a) A Special Grant of $3,000 to the Huron Law Association to pay for an expected deficit in 1980.

The Committee recommended that the Libraries and Reporting Committee be asked to supply particulars.

(b) Acceptance of a tender from Canada Law Book Limited to publish the Ontario Reports for the period 1st July to 31st December 1980.

Approved

STAFF APPOINTMENT

Effective 3rd March, 1980, Mr. *Bruce Chamandy*, C. A., was appointed to a new position assisting the Finance Administrator. He will carry out a complete review of the Society's systems of budgets and cost distribution, with a view to improving control of expenditure. Mr. Chamandy has been with the Society since December 1975 as an Investigation Auditor.

LEGAL MEETING

Mr. *J. T. Bartram* requested that the *Canadian Lawyers' Group of Amnesty International* be allowed to reserve the Barristers' Lounge for a meeting to be held on 24 April 1980.

Approved

THE REPORT WAS ADOPTED

. . . .

LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 13th March, 1980.

The following members were present: Mr. J. J. Carthy, Chairman, Messrs. Arthurs, Barr, Brulé, Ferrier, Ground, Lamont, Lerner, Noble, Outerbridge, Scace, Mrs. R. M. Tait and Mr. Wardlaw.

BAR ADMISSION COURSE

FACULTY APPOINTMENTS – Toronto, Ottawa and London as indicated

It was recommended that the following appointments be made for the teaching term which commenced September 4th, 1979:

(a) **Estate Planning:**

Group Instructor (Osgoode Hall): Steven W. Piper.

(b) **Administration of Estates:**

Standby Instructor (Osgoode Hall): Roseanne Rocchi.

(c) **Criminal Procedure:**

Group Instructors (Osgoode Hall): E. L. Greenspan, J. B. Johnston, W. N. Ortved, W. J. Parker.

Standby Instructors (Osgoode Hall): J. Casey, Martin Kerbel, Allan Mandell.

Standby Instructor (Ottawa): P. H. Coulson.

Standby Instructor (London): Valdis Libis.

Approved

ANNUAL DINNER OF HEADS OF SECTION

The Annual Meeting of the Heads of Section of the Bar Admission Course will be held at Osgoode Hall on Tuesday, May 6th, 1980 at 3:30 p.m. The meeting will be followed by a reception and dinner at 6:00 p.m. for 6:30 p.m.

Approved

FACULTY

The Committee considered a proposal that in certain sections of the Bar Admission Course an Assistant Head of Section be appointed and given official recognition and status in that position.

After full consideration the Committee recommended that the *status quo* be preserved and that no official recognition be given to the position of Assistant Head of Section in the Bar Admission Course and that the Heads of Sections shall be at liberty to have *de facto* assistants and to describe them as such in the course materials and informational bulletins given to students.

REPORT OF THE SUB–COMMITTEE ON LAWYER PLACEMENT

A report of the Sub-Committee on Lawyer Placement dated March 12th, 1980, was before the Committee for consideration.

The Committee recommended that the following report be adopted:

> The sub-committee comprised of Mrs. Tait and Messrs. Arthurs, Barr, Doran and Thom met on Wednesday, December 12, 1979 and again on Thursday, February 21, 1980.
>
> The sub-committee's terms of reference are to examine a Graduate Placement Service and its appropriateness within the Law Society framework. The sub-committee understands graduates to be graduates of the Bar Admission Course recently or about to be called to the Bar. It does not regard the problem facing law school graduates in finding articling positions to be within its purview.
>
> The sub-committee notes that there is no information regarding the number of graduates who each spring have been unable to settle arrangements for employment or to open their own offices. Such information would be helpful if only to gauge the dimensions of the problem and the sub-committee recommends that a survey be made of the candidates for call to the Bar. To complement such a survey a study might also be made of the density of the legal population in the cities, towns and villages of the province to gain an awareness of the statistical opportunities for engagement as private practitioners.
>
> The sub-committee recognizes that each spring there is an appreciable although unknown number of graduated lawyers who have not finalized their professional or business plans for the future. The sub-committee considers that with no diminution in the flow of law school graduates into the Bar Admission Course in sight the problem of unemployed new lawyers will become more acute in the years ahead. In the face of this prospect the sub-committee is of the opinion that the Society should consider what action it could take to alleviate the situation in which this class of its new members find themselves.
>
> The sub-committee had before it a very full and informative report on the Graduate Placement Service conducted by the Bar Admission Course staff. It was noted that this service is useful to students in the Bar Admission Course

and law firms who have vacancies that can be filled by Bar Admission Course graduates. This service is advertised by notices to the profession inserted in the O.R.'s. It does not reach business or government offices that might be interested in engaging the services of young lawyers. It is estimated that thirteen percent of all the candidates for Call to the Bar in 1980 presently enrolled in the teaching term of the Bar Admission Course will find employment with law firms through the facilities of this service. The service clearly performs a very useful function.

The sub-committee gave attention to the first issue of the Canadian Bar Association – Ontario Branch Registry. This Registry is said to be available to law firms, government departments and ministries as well as non-legal corporations who wish to make contact with the profession offering positions. It is noted that the first issue of the Registry contained insertions only from students and graduates and lawyers seeking employment. A fee is charged for insertions in the Registry. It is too soon to know what success it will have in placing graduates who are not able to find employment through other means.

The sub-committee had before it a Proposal prepared by Ronald Manes for a Placement Program to be available to Bar Admission Course graduates seeking legal or law-related employment. The Program would be designed to locate and stimulate jobs and to encourage graduates to seek employment in law-related areas. It would be staffed by a lawyer part-time and a professional placement person, also part-time, and would be financed by the Society out of general funds.

With a view to encouraging the employment of recently admitted lawyers in business and government, the sub-committee recommends that informational advertisements be inserted in business journals and newspapers and circulated to possible employers. Drafts of such a notice are attached to this report for consideration.

The sub-committee proposes to continue its study of this matter.

SPECIAL PETITIONS

The Committee considered four special petitions. One petitioner who had failed the 1976/77 teaching term of the Bar Admission Course and whose appeal from failure had subsequently been dismissed, stated in his petition that for financial and family reasons, which were set out in full, he had been unable to repeat the teaching term and requested permission to enter the teaching term in September 1980. The second petitioner, who has also made petition to the Admissions Committee, asked to be admitted as a student member and that his service under articles be deemed to have commenced on 4th June, 1979. His application for admission to the Bar Admission Course, articles of clerkship with affidavit of execution, filing fee and late filing penalty were submitted with his petition.

Two petitioners sought permission to defer entry into the teaching term of the Bar Admission Course until September 1981. Both petitioners have been accepted into the LL.M. programme at the London School of Economics and Political Science in London, England, which begins in September 1980. All four petitions were approved.

GENERAL

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Education for the period from 1st July, 1979 to 29th February, 1980; and reviewed a statement setting out the Continuing Education programmes presented in February 1980 and the publications report for the month of February 1980.

THE REPORT WAS ADOPTED

. . . .

ADMISSIONS COMMITTEE (Continued)

Mrs. Legge presented the Report of the Admissions Committee of its meeting on Tuesday, 11th March, 1980, with respect to the hearing given an applicant for admission to the Bar Admission Course.

The Committee composed of Mrs. Legge (Chairman), Mr. Ferrier, Mrs. Sutherland, Mr. Carthy and Mr. Ground sat on Tuesday, March 11, 1980 to hear an applicant for admission to the Bar Admission Course. In January 1980, the Admissions Committee denied this applicant's petition for admission to the Bar Admission Course. He requested a hearing pursuant to section 27 of The Law Society Act which was granted. He was not in attendance at the hearing but was represented by his counsel, Mr. Ian Scott.

The applicant entered McGill law school in 1975 after gaining C.E.G.E.P. qualifications from Vanier College. He received a B.C.L. degree in 1978 and an LL.B. degree in 1979 after successfully completing the four year double degree programme at McGill University. He is currently completing the Bar Admission Course in Alberta and hopes to be admitted to membership there in July 1980. After being called to the Bar in Alberta, he intends to come to Ontario for the Bar Admission Course. He seeks immediate admission to the Bar Admission Course although he does not comply with the Society's requirements in that he lacks the stipulated year of non-legal education in addition to the C.E.G.E.P. qualifications.

The Society's admission requirements for an approved law school are successful completion of two years full-time attendance in an approved course in an approved Canadian university after senior matriculation. In 1973, a sub-committee of the Legal Education Committee considered the question of whether those who held only C.E.G.E.P. qualifications could enter law school for the purpose of receiving a degree which would entitle them to enter the Bar Admission Course. The Sub-Committee's report, which was adopted by Convocation in October 1973, concluded that applicants with only C.E.G.E.P. qulaifications cannot be admitted into an approved LL.B. course because they considered a C.E.G.E.P. graduation not the equivalent of two years university training. Therefore, following the adoption of the above report, the Society has required the C.E.G.E.P. graduates to take an additional year of university study before entering law school. Since September 1974, McGill Law School has informed its students with only C.E.G.E.P. qualifications that The Law Society of Upper Canada requires the additional pre-law university year. The applicant did not dispute that he had notice of The Law Society of Upper Canada's pre-law admission requirements before commencing law at McGill.

Two arguments were put forward on behalf of the applicant for granting immediate admission. The first argument was, there is no rationale for or merit in the Society's requirement of the additional year for C.E.G.E.P. graduates. It was submitted that if there was no valid reason for the requirement, it should not be considered a necessary prerequisite. Counsel for the applicant argued that the Society should only be concerned with the quality of education provided by the law school itself and should not go behind the LL.B. degree. It is this Committee's opinion that the determination of admission requirements to approved law schools is not a matter of the Admissions Committee, but comes within the jurisdiction of the Legal Education Committee, pursuant to Rule 35 made under The Law Society Act. Moreover, it was precisely this issue that was considered in the report of the Sub-Committee of the Legal Education Committee referred to above. Therefore, this Committee rejected the applicant's first argument. The second argument was that the Committee should grant immediate admission to the applicant because of his special circumstances. Counsel for the applicant argued that the year of articling in Alberta, membership in the Alberta Bar, the extra year at McGill Law School, and the fact that the applicant holds two university law degrees are all special circumstances that should be considered by the Committee in making its decision. The Committee does not view the applicant's circumstances as exceptional. They do not differ substantially from other C.E.G.E.P. students at McGill who were warned of the Society's entrance requirements and who have completed the additional year at university.

The Committee recommended the applicant be refused immediate admission to the Bar Admission Course. The applicant may complete his qualifications for entering the Bar Admission Course by the successful completion of one year of university study in a non-law programme.

THE REPORT WAS RECEIVED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. Tobias

Report to *stand* to the next Convocation.

....

LEGISLATION AND RULES COMMITTEE–Mr. Furlong

Mrs. Legge presented the Report of the Legislation and Rules Committee of its meeting on Monday, 3rd March, 1980.

The following members were present: Messrs. Furlong (Chairman) and Doran, and Mrs. Legge.

1. SPECIAL COMMITTEE ON UNCLAIMED TRUST FUNDS

Convocation on 18th May, 1979 adopted the report of the Special Committee on Unclaimed Trust Funds which dealt with the disposition of trust moneys that have been held by lawyers on behalf of clients whom lawyers have unsuccessfully attempted to locate over a number of years. The report recommended that the Society maintain an account into which these funds could be paid and that the lawyer paying over the funds would cease to be a trustee, the Society assuming that role.

(a) Upon consideration of the matter, this Committee recommended that the following section 51A. *be added to* The Law Society Act:

UNCLAIMED TRUST MONEY

51A.–(1) In this section,

(*a*) "money" includes current coin, government or bank notes, cheques, drafts, post office orders, express or bank money orders and all negotiable and other valuable property;

(*b*) "member" includes a firm of members;

(*c*) "trustees" means the Treasurer and the Secretary.

(2) The Society shall maintain a trust account for money paid from members' trust accounts under subsection 3.

(3) A member may pay money to the Society where,

(*a*) the money has been held in the member's trust account for a period exceeding three years; and

(*b*) the trustees are satisfied the member is unable to pay the money to the person entitled thereto.

(4) The interest accruing on money held in the account referred to in subsection 2 shall be paid to The Law Foundation of Ontario.

(5) Money held by the Society in the trust account referred to in subsection 2 may be paid out to a person who establishes to the satisfaction of the Society that he is entitled thereto.

(6) Money held by the Society in the trust account referred to in subsection 2 may be paid out to any person pursuant to the order of a judge of the Supreme Court.

(7) The Society and the trustees are not liable to account to any person other than The Law Foundation of Ontario for interest on moneys held under this section.

(8) Where the Society has actual notice thereof nothing in this section shall be deemed to affect,

(*a*) any arrangement in writing between the member and the person for whom he holds money in trust as to the disposition of the interest accruing thereon; or

(*b*) any entitlement by a client to the interest accruing on money held in trust in an account separate from any other money.

(b) The Special Committee's report also recommended that the interest accruing on unclaimed trust money received by the Society be paid to The Law Foundation of Ontario. This Committee therefore recommended that clause *(d)* be added to subsection 2 of section 51*d*. of The Law Society Act so that the amended subsection will read as follows:

51*d*.(2) The funds of the Foundation shall be derived from,

(*a*) moneys received from members under section 51*f*;

(*b*) gifts, bequests and devises referred to in section 51*e*;

(*c*) moneys resulting from the use, disposal or investment of property received under clauses *a* and *b*; and

(*d*) *interest accrued on money paid to the Society under section* 51A.

(c) As a result of the above changes, it was necessary to amend subsection 8 of section 18 of the Regulation by the addition of clause (*f*) so that the amended subsection will read as follows:

18.–(8) Money shall not be drawn from a trust account other than,

(*a*) money properly required for payment to or on behalf of a client;

(*b*) money required to reimburse the member for money properly expended on behalf of a client or for expenses properly incurred on behalf of a client;

(*c*) money properly required for or toward payment of the member's fees for which a billing or other written notification has been delivered;

(*d*) money that is directly transferred into another trust account and held on behalf of a client;

(*e*) money that may by inadvertence have been paid into the trust account in contravention of this section;

(*f*) money that is directly paid to the Society under section 51A. of the Act,

On the subject of unclaimed trust funds, a memorandum dated 28th February, 1980 was submitted to this Committee by Mr. W. B. Common. It reads in part as follows:

> "I wondered whether the Special Committee had considered the following points:
>
> Where after a period of years the owner of the trust funds cannot be ascertained, what is the position of the question of escheats at common law as affected by the Ontario Escheats Act. The Society should not be placed in any position where it might become involved in litigation by individuals who may believe they have some claim. I have in mind the interminable litigation surrounding the Mercer Estate of many years ago where almost every person by the name of Mercer petitioned the Ontario Government for a share in the Mercer Estate. The matter was finally settled by the Court after an Administrator de bonis non was appointed. The whole Mercer Estate, of course, escheated to the Crown.
>
> Would any onus devolve upon the Society to ascertain those persons who might be entitled under a trust?"

Mr. Common's remarks were brought to the attention of Convocation at this time so that if it wished to do so it can refer the matter back to the Special Committee on Unclaimed Trust Funds before approving this Committee's report.

2. REPORT OF THE SPECIAL COMMITTEE ON PAYMENT OF LEGAL ACCOUNTS BY CREDIT CARD

The report of the above Special Committee which was adopted by Convocation on 18th January, 1980 recommended that appropriate amendments be made to the Regulation to permit lawyers to accept payment of legal accounts by way of credit cards and that the matter be referred to this Committee for drafting.

(a) Therefore, this Committee recommended that clause (*c*) of section 17 of the Regulation be amended by adding the words "credit card sales slips," so that section 17 will read as follows:

> 17. In this section and in sections 18 to 22,
>
> (*a*) "client" includes any person or body of persons, corporate or unincorporate, from whom or on whose behalf a member in connection with his practice receives money or other property;
>
> (*b*) "member" includes a firm of members;
>
> (*c*) "money" includes current coin, government or bank notes, cheques, drafts, *credit card sales slips*, post office orders or express or bank money orders.

(b) In view of the above amendment, a reference to credit card sales slips should appear as well in subsection 13 of section 18 of the Regulation so that the subsection will read as follows:

> 18.–(13) For the purposes of subsections 8 and 12, cash or a certified cheque or cheques negotiable by the member or cheques drawn by the member on his trust account or *credit card sales slips,* in the possession and control of the member, shall be deemed to be money held in a trust account if such cash or cheques received are deposited in the trust account not later than the next banking day.

THE REPORT WAS ADOPTED

. . . .

PRACTICE AND INSURANCE COMMITTEE–Mr. Brulé

Mr. J. J. Wardlaw presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 13th March, 1980.

The following members were present: Messrs. Brulé (Chairman), Chadwick, Mrs. Legge, Messrs. Noble, Tebbutt and Wardlaw. Mr. Hargraft and Miss Morham were present at the Chairman's request.

ADJUSTERS' FEES

Lists of fees paid in February, 1980, to adjusters under the old Fund, the 1977 Fund, the 1978 Fund and the 1979 Fund were before the Committee.

Noted

COUNSEL FEES

Lists of the fees paid to Counsel during February, 1980, were before the Committee.

Noted

MONTHLY REPORT

Mr. Hargraft's monthly report was before the Committee.

Noted

CORPORATE LAWYERS – PROFESSIONAL LIABILITY INSURANCE

Marsh and McLennan Limited have been asked by the Corporate Lawyers Section of the Ontario Branch of the Canadian Bar Association to advise it respecting the provision of professional liability insurance to cover errors and omissions by lawyers employed by corporations. The programme would not provide coverage in respect of occurrences arising from practice outside of a corporate lawyer's employment and those who engage in such practice would continue to contribute to and be covered by the Law Society's compulsory plan.

Marsh and McLennan sought the Society's approval of its plan to provide coverage for corporate lawyers.

Approved

MULTIPLE DEDUCTIBLES

The question of multiple deductibles was again before the Committee. When the matter was first reported to Convocation, it was suggested that members be responsible for a separate deductible amount in respect of each claim made against them resulting from a real estate transaction in which the member had acted for more than one interest. The Committee was asked to consider whether a member should be responsible for a deductible in respect of each interest the member represents in the real estate transaction regardless of whether a claim is made by each of those interests.

The Committee recommended that beginning in 1981, members be responsible for a deductible in respect of each claim made against them resulting from a real estate transaction in which the member acts for more than one interest.

LEGAL AID – EMPLOYED DUTY COUNSEL – SEPARATE COVERAGE

Marsh & McLennan Limited was asked by York County Legal Aid to obtain a quotation for coverage of employed duty counsel under a separate policy and asked for the Society's approval and consent for duty counsel covered under such a policy to be exempt from coverage under the Society's compulsory plan.

The Committee recommended that approval not be given.

CONFLICT OF INTEREST – SECTION 60 OF THE FAMILY LAW REFORM ACT

James Duffus, a solicitor from Thunder Bay, wrote to the Professional Conduct Committee on 8th November, 1979, seeking the advice of that Committee. That Committee gave its opinion and also recommended that the matter be brought to the attention of this Committee. The letter was before the Committee.

Noted

ACCOUNT

An account in the amount of $1,032 from Peter D. Norman & Associates (B.C.) Ltd. was before the Committee for its approval for payment.

Approved

THE REPORT WAS ADOPTED

. . . .

SPECIAL COMMITTEE ON PREPAID LEGAL SERVICES

Mrs. R. Sutherland presented the Report of the Special Committee on Prepaid Legal Services dated 21st March, 1980.

The Special Committee is composed of Messrs. Furlong (Chairman), Lochead, O'Brien, Sutherland and White. The Committee's last report dated 20 September, 1979 was adopted by Convocation on 19 October, 1979. The Chairman was, on 10 March, 1980, advised that the regulations under the Insurance Act will be amended to add a class of insurance designated "legal expense insurance".

The Office of the Superintendent of Insurance is expected to forward to members of the insurance industry a guideline to control the operation of the new class of insurance and to advise the industry of the Superintendent's intention to impose certain conditions and limitations including the following:

1. All contracts of legal expense insurance shall provide the insured with complete freedom to select the lawyer of his own choosing.
2. No such contracts shall provide coverage with respect to the payment of fines and penalties imposed under any legislation.
3. All contracts of legal expense insurance shall stipulate that where the insured is also entitled to benefits covered under the Ontario Legal Aid Plan or other publicly financed programme, benefits under the private insurer's policy will be treated as primary to benefits payable under any other such programmes.

None of the above conditions or limitations is inconsistent with the recommendation of this Committee's report of 20 September, 1979.

THE REPORT WAS ADOPTED

....

CONVOCATION ROSE AT 4:30 P.M.

....

Confirmed in Convocation 18th April, 1980.

G. D. FINLAYSON
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Thursday, 10th April, 1980
11:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Brulé, Carthy, Cass, Doran, Ferrier, Furlong, Lamont, Mrs. Legge, The Right Honourable Roland Michener, Messrs. Ogilvie, Pepper, Mesdames Sutherland and Tait, and Mr. Willoughby.

....

LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 10th April, 1980.

The following members were present: Mr. J. J. Carthy, Chairman, Messrs. Catzman, Ferrier, Lamont, and Mrs. R. M. Tait.

21ST BAR ADMISSION COURSE BOARD OF REVIEW INTERIM REPORT

The interim report of the Board of Review on the 21st Bar Admission Course was before the Committee showing the names of the one thousand and six candidates who have been found to have successfully completed the Bar Admission Course and the names of the five candidates who have been found to have failed the Bar Admission Course. The Board further determined that thirty-nine candidates are required to write supplemental or special examinations in accordance with the terms of the grading policy and that the results of one student member were being held in abeyance pending a decision of the Discipline Committee.

Approved

SCHOLARSHIPS AND PRIZES

The list of prize winners in the 21st Bar Admission Course was before the Committee.

Approved

THE REPORT WAS ADOPTED

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ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 10th April, 1980.

The following members were present: Mrs. Legge (Chairman), Messrs. Carthy, Cass, Catzman, Ferrier, Lamont, and Mrs. Sutherland.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

A list of 1,000 candidates who have successfully completed the 21st Bar Admission Course, filed the necessary documents and paid the necessary fee of $210 and who now apply for Call to the Bar and to be granted Certificates of Fitness, is submitted as follows:

350 candidates – Toronto – 10th April 1980
378 candidates – Toronto – 11th April 1980
114 candidates – London – 14th April 1980
158 candidates – Ottawa – 16th April 1980

Approved

THE REPORT WAS ADOPTED

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CONVOCATION ADJOURNED FOR LUNCHEON AT 11:30 A.M.

....

The Treasurer and Benchers had as their guests for luncheon in the Benchers Dining Room at Osgoode Hall The Honourable W. G. C. Howland, Chief Justice of Ontario; His Honour Chief Judge W. E. C. Colter, County and District Courts of Ontario, and Mrs. Colter; The Honourable Mr. Justice M. A. Craig, Judge of the High Court of Justice for Ontario, and Mrs. Craig; The Honourable Mr. Justice John R. Solomon, Judge of the Court of Queen's Bench for Manitoba; Mr. G. W. Collins-Williams, Q.C., Director of Legal Education; and Mrs. E. Rachael Knox, Assistant Director, Bar Admission Course.

....

Following luncheon, the Treasurer, the Benchers and their guests proceeded to the O'Keefe Centre for the Call to the Bar Ceremonies of the 350 graduates of the Twenty-first Bar Admission Course who had applied to be called on Thursday, 10th April, 1980.

....

CONVOCATION RESUMED AT 2:00 P.M.

....

PRESENT:

The Treasurer and Messrs. Arthurs, Barr, Brulé, Carthy, Cass, Ferrier, Furlong, Lamont, Mrs. Legge, Mr. McWilliams, The Right Honourable Roland Michener, Messrs. Ogilvie, Pepper, Mesdames Sutherland and Tait, and Mr. Willoughby.

The body of the auditorium was occupied by the 350 graduates, their families and friends.

....

ADDRESS

The Treasurer introduced The Honourable Bette M. Stephenson, M.D., Minister of Education for Ontario, who addressed the graduates.

. . . .

PRESENTATION OF AWARDS AND APPOINTMENTS

Mr. G. W. Collins-Williams, Director of Legal Education, presented the recipients of awards and appointments to the Treasurer.

The Treasurer presented the following prizes to:

The Treasurer's Medal; The Roland O. Daly Scholarship; The Edwin George Long, K.C., Memorial Scholarship; and The Stuart Thom Prize:

John Michael Ulmer

The Law Society First Prize for the student obtaining the second highest marks in the Course; The Edwin George Long, K.C., Memorial Scholarship; and The S. J. Birnbaum, Q.C., Scholarship for Estate Planning First Prize:

Nancy Joyce Spies

The Law Society Second Prize for the student obtaining the third highest marks in the Course:

Joan Marie Gilmour

The McCarthy Income Tax Prize (tie):

Andrew Michael Czernik

The Joseph Sedgwick, Q.C., Prize and The Vera L. Parsons Prize for Criminal Procedure:

Jerome James Nyman

The William Belmont Common, Q.C., Prize for Criminal Procedure for the student obtaining the second highest marks in that subject:

Richard George Leighton

The Herbert Egerton Harris Advocacy Scholarship and The International Academy of Trial Lawyers Prize for Civil Procedure (tie):

William Jay Charles Shepherd

The Practitioners Prize in Real Estate (tie):

Timothy Gerard Patrick Goad

and congratulated the following who had been given special appointments:

Law Clerks to The Honourable W. G. C. Howland, Chief Justice of Ontario:

Daphne Amelia Intrator
Donna Carol Morgan
Sandra Leigh Price

A Law Clerk to The Honourable G. T. Evans, Chief Justice of the High Court of Justice for Ontario:

Nancy Joyce Spies

Law Clerks to His Honour Chief Judge W. E. C. Colter, of the County and District Courts for the Counties and Districts of Ontario:

Joan Heather Garson
John David Shaughnessy

....

CALL TO THE BAR

Mrs. L. L. Legge, Chairman of the Admissions Committee, presented to the Treasurer 350 candidates for Call to the Bar as follows:

TWENTY - FIRST BAR ADMISSION COURSE 1979-80

CANDIDATES FOR CALL TO THE BAR ON THURSDAY, 10TH APRIL, 1980

Erika Jane Abner
Ronald Frank Adams
Antonino Agozzino
Laura Eve Alper
John Blair Anderson
Thomas Bowles Anderson
Richard Andreansky
David Macaulay Armstrong
Anthony Frank Baldanza
Stephen Timothy Bale
Bozena Olga Balut
John Frederick Bankes
James Paul Barber
John Holly Barker
Julia Hilary Bass
Barbara Lynn Beak
Carol Beckmann
Douglas Armour Beecroft
David Frederick Bell
Denise Elsie Bellamy
John Robert Benner
Judith Levy Berg
David Carson Bird
Susan Avice Bisset
Robert Arnold Blake
Hyman Bloom
Marilyn Heather Bloovol
Thomas Anthony Bogart
Alan Irving Bossin
Clifford Grant Bowers
Adelyn Louise Bowland
Kathryn Anne Boyd
Seymour Braun
Gregory Alan Brechin
Vern Edward Brewer
Mitchell Hart Brown
Wesley Philip Brown
Jane Mary Kerrigan Brownridge
David Gordon Bryce
Duncan Grant Buchanan

Robert John Buchanan
Christopher Neil Buhr
Alexander Burke
Gillian Mary Burton
Bruce William Cameron
Douglas John Campbell
John David Campbell
Debra Anne Carpentier
Paul Charles Caston
Bruno Cavion
Kathryn Irene Chalmers
Gee Ming Chan
Robert John Charko
Kaisree Singh Chatarpaul
Henry James Cheesman
Murray Walter Chitra
Morris Anthony Chochla
Genevieve Ann Cecelia Chornenki
Michael William Jenkinson Clements
Glenn Elliott Cohen
Armand Gordon Robert Conant
John Andrew Connor
Antonio Conte
James David Conte
Robert Charles Cooper
Athanasius Thomas Costaris
Barbara Ellen Cotton
Christopher Gordon Cox
David Patten Craig
George Linscott Craig
Anne Elizabeth Crawford
David Roy Currie
John Arthur Cyr
Andrew Michael Czernik
Timothy Stephen Barnett Danson
Michael John Day
Donald James DeGrandis
Tara Elizabeth Dier
Joan Clementine Griffiths DiGregorio
Peter Gabriel Di Martino
Michael Alan Disney
Nimal Victorinus Dissanayake
James Edward Dobson
Gary Warren Donais
Wayne Edward Dourley
Kenneth Gordon Dungavell
Antoinette Marie Dyach
George Kevin Eggleton
Jeffrey William Egner
Nicholas Enzo Faieta
Alexander Wesley Farquhar
Thomas Carl Faulkner
John Wallace Findlay
Robert Victor Finlay
Elizabeth Anne Fisher
Jack Francis Fitch
Murray Grant Forbes
Sylvia Ann Franklin
Alison Margaret Fraser
Richard Graeff Fulford
Joan Heather Garson
William Eugene Gatward
Danielle Marie Marguerite Genesee
Michael Stephen Georgas
Bernard Louis Joseph Gervais
Michael John George Gillen
Joan Marie Gilmour
Timothy Gerard Patrick Goad
Lawrence Shael Gold
Howard Leslie Goldford
Kenneth Wolfe Golish
Sheldon Howard Goodman
Elizabeth Hamilton Goodwin
Alan Albert Gozlan
Charles Frederick Graham
Bruce Carey Greenberg
Ian Paul Greenway
Peter Herbert Griffin
Diana Julia Grygiencza
Ross Hainsworth
Barbara Joan Hall
Norman Essery Hall
Shelley Maria Hallett
Wira Hamiwka
John Bongard Hanna
Robert Charles Harason
Charles Michael Harpur
Nancy Sarah Hartry
David Kevin Haxell
William John Hayter
Monique Elizabeth Suzanne Hebert
Alan Milliken Heisey
Janice Irene Hietapakka
Tyler Peter Higgins
Walter Edward Smythe Hildreth
Ava Marion Hillier
Jack Wallace Hope
John Robert David Hope
Kevin Roy Lawrence Martin Hope
Drew Eric Horlacher

Morris Horowitz
Kathleen Anne Howes
James Raymond Howie
Keith Edward Howlett
William Donald Howse
Brian Charles Hoyes
Herbert Edward Huffman
John Jack Darrel Hughes
Edward Farron Ping-Ching Hung
Isaac Shin Imai
Daphne Amelia Intrator
David Birrel Israelson
Johannes Jarvalt
Richard Edward Jennis
Michael Charles Verzieux Johnson
John Andrew Agnew Johnston
Sara Kimberly Joyce
Mathew Michael Juba
Rodney John Kajan
Michael Leslie Kamen
Marilyn Kaplan
Miriam Catherine Kavanagh
Dennis Eugene Kaye
Steven Paul Keir
Bradford John Kelneck
Victor Robert Kennedy
Blake Francis Kinahan
Lawrence Joseph Klein
Howard Philip Knopf
Peter Eric Kormos
Andrew Leonard Kossman
Russel Zenon Kowalyk
Mary Elizabeth Kuchta
Cynthia Dianne Randall Laing
Elizabeth Ann Landrey
Richard George Leighton
Elizabeth Jean Shilton Lennon
Taivi Lobu
Bruce Richard Lokash
Frank Loreto
Craig Samuel Losell
Allan Harry Lunenfeld
Gordon Alexander Mackay
Janice Isobel Mackintosh
Robin Alastair Macrae
Min Yuey Mah
Thomas William Maich
Helen Gloria Maley
Anna Margaret Mallin
Sharon Elizabeth Maloney
Michael Howard Manly
Edward Kopper Mann
Cosmo Kenningham Marchant
Sherry Lynn Martin
Waldo Winston Martin
Robert Alexander Masson
June Ilene Mayhew
Daniel Patrick McBurney
Karin Ann McCaskill
Gary Robert McClelland
Francis Thomas Joseph McDermott
Bernard McGarva
Michael Lorne McGowan
Kenneth Douglas McKay
David Alexander McKee
Michael Kent McKelvey
Myles Frederick McLellan
Ian George McLeod
Ross Morley McLeod
William Dennis McPhee
Elizabeth Ann McRae
Victoria Anne Meikle
Edward Peter Micheli
Howard Norman Miller
Stuart Francis Miller
Richard Bruce Miner
Christine Jane Mitchell
Anne Marie Molloy
Gustave John Monette
Anne Elizabeth Montgomery
Robin Morch
Donna Carol Morgan
Michael Philip Deane Morgan
George Charles Stirling Morison
Evelyn Patricia Wagner Moskowitz
Martin Walter Mueller
Gudrun Mueller-Wilm
Mary Joanne Murphy
Geofrey Richard Keith Myers
Ingrid Inta Myers
Michael Steven Myers
Bradley Michael Nairn
Alexander Thomas Neuman
Wilhelm Max Nevels
Ian Paul Newcombe
Catherine Elizabeth Newell
Charles Randall Nowlan
Jerome James Nyman
Orest Julian Osmak
Stanley Algirdas Pacevicius

Sidney John Page
Larry John Pasemko
Barbara Lynn Paul
Raymond Bernard Pearce
Paul Shawn Pellman
William Michael Peterson
Ivana Francesca Petricone
Robert Bruce Pollock
Stephen Barry Pottins
Sandra Leigh Price
Michael Gerard John Quigley
Robert Keith Rae
Daniel Peter Rafferty
Frances Sloma Rapaport
Rubin Rapuch
Linda Louise Ratcliffe
Arif Raza
Ronald Christian Reid
Antonio Reino
Daniel Ian Reisler
Rolf Martin Renz
Louie Leon Reznick
Bernd Michael Richardt
Carol Jean Robbins
Anne Louise Roberts
James Lawrence Robinson
Ariella Rohringer
Blair Coleman Rose
Derek Rodney Pugsley Rose
Bruce Edward Rosenberg
Earl Isadore Rotman
Riva Rotter
Lee Gordon Rubenok
Paula Rusak
Joanne Doreen Rusnell
Krystyn Zofia Rutkowski
Michael Hyatt Ryan
Mark Jeffery Sandler
Barbra Teena Schlifer
Sandra Rose Claire Schnurr
John Wallace Scott
Mildred Joy Evangeline Phyllis Sellers
Howard Ian Shain
Michael Douglas Sharpe
John David Shaughnessy
Brian Shell
William Jay Charles Shepherd
Christopher Boyce Sherk
Shoel David Silver
Peter Arnold Simonelis
Steven Howard Sinukoff
Brian Edward Slocum
William John Smith
Jack Simon Smugler
James Alexander Smyth
Holly Ann Solomon
Samuel Orlando Sorbara
John Michael Sotos
Nancy Joyce Spies
Susan Saraly Spindler
Nancy Lynne Stableforth
David Karl Lawrence Starkman
Max David Steinkopf
Paul David Stern
Richard Norman Stern
David Arthur Stevens
Gordon Michael Stevenson
Cameron Douglas Stewart
Robert Andrew Stewart
Edward Alan Strange
Salvatore Suppa
James Arnold Tackaberry
Michael Takatsch
Kathryn Miyo Tamaki
Colin Campbell Taylor
Rodney Blair Thibodeau
Faye Sophia Thompson
John David Thoms
David Neil Thomson
Morris Michael Title
Ian James Tod
David Alexander Tompkins
Paul William Trollope
Stephen Wentworth Turner
Sharon Ann Twilley
John Michael Ulmer
Lorna Tamari Ulmer
Ralph Gary Underwood
Richard Norton Vale
Edward Anthony Van Ginkel
Moise Vaturi
Christine Myriam Walsh
Patrick Kevin James Walsh
Barry Stuart Weinrib
Gordon Joseph Weir
David Vaughn Westwood
Edward Norman Laurence Whitby
Elizabeth Anne White
Christopher John Williams
John Robert Wilson

Beverly Norma Wise
Michael Samuel Wolfish
Carol Gail Wolkove
Donna Frances Wormington
Daniel Glenn Wylie
Norris Hong-Ching Yang
Sidney Isidore Zelewicz
Mark Zigler
Bram Mark Zinman
Bella Zucker

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of The Law Society of Upper Canada.

....

CONVOCATION ADJOURNED AT 3:30 P.M.

....

Following Convocation a Special Sitting of The Supreme Court of Ontario was convened in the O'Keefe Centre with The Honourable William G. C. Howland, Chief Justice of Ontario, presiding.

Mrs. Legge presented the candidates to the Chief Justice of Ontario before whom they took the usual oaths and acknowledged their signatures on the Rolls in the presence of the Court.

The Chief Justice of Ontario then addressed the new Barristers.

....

At the conclusion of the formal proceedings the new Barristers, their families and friends were entertained by the Treasurer and Benchers at a reception in the O'Keefe Centre.

....

Confirmed in Convocation 16th May, 1980.

G. D. Finlayson
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

RESUMED – Friday, 11th April, 1980
2:00 p.m.

Prior to Convocation the Treasurer and Benchers had as their guests for luncheon in the Benchers Dining Room at Osgoode Hall Mr. Hugh L. Macaulay, Chairman of Ontario Hydro; The Honourable G. T. Evans, Chief Justice of the High Court of Justice for Ontario; The Honourable Mr. Justice R. E. Holland, Judge of The High Court of Justice for Ontario, and Mrs. Holland; The Honourable A. B. B. Carrothers, Justice of the Court of Appeal of British Columbia; The Honourable Robert Kaplan, P.C., Solicitor General of Canada; Mr. G. W. Collins-Williams, Q.C., Director of Legal Education; Mrs. E. Rachael Knox, Assistant Director, Bar Admission Course, and Mr. Kenneth Knox.

....

Following luncheon the Treasurer, the Benchers and their guests proceeded to the O'Keefe Centre for the Call to the Bar Ceremonies of the 378 candidates who had applied to be called on Friday, 11th April, 1980.

....

CONVOCATION RESUMED AT 2:00 P.M.

....

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Bowlby, Carthy, Cass, Catzman, Chadwick, Genest, Ground, Lamont, Mrs. Legge, Messrs. McWilliams, Pepper, Scace, Sedgwick, Mesdames Sutherland and Tait, Messrs. Thom and Yachetti.

The body of the auditorium was occupied by the 378 graduates, their families and their friends.

....

ADDRESS

The Treasurer introduced Mr. Hugh L. Macaulay, Chairman of Ontario Hydro, who addressed the graduates.

....

PRESENTATION OF AWARDS AND APPOINTMENTS

Mr. G. W. Collins-Williams, Director of Legal Education, presented the recipients of awards and appointments to the Treasurer.

The Treasurer presented the following prizes to:

The Law Society Third Prize for the student obtaining the fourth highest marks in the Course:

Elizabeth Anne Wise Keshen

The McCarthy Income Tax Prize (tie):

Susan Mary Grundy
Neil Hart Shopsowitz

The Day, Wilson, Campbell Commercial and Company Law Prize (tie):

Andrew Koziar
Eva Lake
David Shawn Wilson

The Arthur Wentworth Roebuck Award for Family Law (tie):

William John Millar

The Herbert Egerton Harris Advocacy Scholarship and The International Academy of Trial Lawyers Prize for Civil Procedure (tie):

Richard Randolph Evans

The Practitioners Prize in Real Estate (tie):

Allen Lorne Greenspoon

The Harcourts Advocacy Award:

Carol Ann Nelson

The Benjamin Luxenberg Prize in Creditors' and Debtors' Rights:

Carole Ann Trethewey

The S. J. Birnbaum, Q.C., Scholarship for Estate Planning Second Prize:

Celeste Iacobelli

The S. J. Birnbaum, Q.C., Scholarship for Estate Planning Third Prize (tie):

Vicki Lynne Doidge
Allen Lorne Greenspoon
David Shawn Wilson

and congratulated the following who had been given special appointments:

A Law Clerk to The Honourable W. G. C. Howland, Chief Justice of Ontario:

Alan Whiteley

Law Clerks to The Honourable G. T. Evans, Chief Justice of the High Court of Justice for Ontario:

Marilyn Eileen Bartlett
Elizabeth Anne Wise Keshen
Robert David Kligman
Patricia Rogerson
Wendy Dianne Templeton
Beverly Jean Wilton

. . . .

CALL TO THE BAR

Mrs. L. L. Legge, Chairman of the Admissions Committee, presented to the Treasurer 378 candidates for Call to the Bar as follows:

TWENTY- FIRST BAR ADMISSION COURSE 1979-80

CANDIDATES FOR CALL TO THE BAR ON FRIDAY, 11TH APRIL, 1980

Martin John Addario
Francis Robert Allen
Robert Ross Amsterdam
Raj Kanwal Anand
Eric Martin Appotive
Francis Arnold Archibald
Mary Elizabeth Atcheson
Joan Ellen Axelrad
John Douglas Ayre
Peter James Barbetta
Marilyn Eileen Bartlett
Katherine Nadine Batycky
Lorraine Eveline Beagan
William Douglas Ross Beamish
Steven Russell Bell
Richard Thomas Bennett
Jerome Jess Bergart
William Brent Binions
David Israel Blinick
Robi Sandor Blumenstein
Marie-Therese Boris
Michael Allen Bossin
James Edward Bowden
Tim Arthur Bowman
Donald Charles Brady
Jerome Stephen Braganca
David Peter Brannan
Barry Howard Bresner
Steven Michael Derek Brooks
Geoffrey Douglas Brown
Jeffrey Gordon Brown
Andrea Gail Brownstone

Deborah Kathleen Hanscom Bruce
Stephen Allen Brunswick
Louis Brzezinski
Sharon Jean Buchanan
Paula Frances Buchok
John Judson Bucknam
Sheila Kathleen Budd
Sarmite Drosma Bulte
Richard Eldon Burgess
Sheldon Burshtein
Debra Anne Grobstein Campbell
Roger Blair Campbell
Elisabeth Ann Campin
Gary Michael Caplan
Douglas Alexander Carrothers
Randall Blain Carter
Terrance Steven Carter
Michael Leslie Case
John Steven Casey
Frederick Donald Cass
Steven Mathew Cass
James Stuart Charnock
William Glenn Chidley
Katherine Christie
Michael Gary Cogliano
Robert Bacal Cohen
Kristine Arnet Connidis
Mark David Contini
Maureen Cooper
Robert Dan Cornell
Lloyd Frederick Cornett
Cheryl Lea Cottle
George Elliot Cottrelle
Donald Erwin Crabbe
Allen Vincent Joseph Craig
Mark Melvin Harley Crystal
Martin Cukierman
Georgina Elizabeth Cullen
Ettore Luigi D'Alimonte
Michael Shaun Daniher
Joseph Claude Bernard Dans
Jeffrey Lawrence Davies
John Lester Davies
Glenn McGregor Davis
John Drury Dean
Kenneth Wayne Dechert
David Alan Decker
Jane Carolyn Demaray
Ching Bee Deng
Iqbal Ismail Mohamed Dewji
Roman Diakun
Dino DiGiuseppe
Mary Dionysakopoulos
Jack Ditkofsky
Marilyn Rose Doering
Vicki Lynne Doidge
Stephen John Arthur Donovan
Heather Rosalind Douglas
Jonathan Stephen Drance
Michael Douglas Edward Duder
Leo Henry Dudley
Douglas Neil Dunsmuir
Christopher Charles Edward Eames
Robert George Easto
Robert Paul Edmonds
John Frederick Elder
Christine Janice Elliott
John Douglas Elliott
Elizabeth Ann Ellis
Paul Martin Emmons
Douglas Robb English
John Robert Enstone
Christine Elizabeth Evans
Richard Randolph Evans
Scott Lewis Ewart
Brian Allan Farlinger
Barbara Malka Feldberg
Frank Fauvey Feldman
David Victor Ferguson
Donald Eric Ferguson
Marilyn Muriel Maughan Field-Marsham
Robert Alexander Filkin
Andrew Fine
Leonard Finegold
Patricia Anne Finlay
Brian Irwin Fisher
Felix Wo Fong
Laura Mary Iacono Formusa
Michael William Fowler
Susan Ellen Fremes
Stephen Russell Garrod
Brian Rene Gatien
Mary Jane Gersht
Brian Wilfred Gilkinson
Gary Hayden Payne Gillam
David Scott Giuffrida
Irwin Steven Glasberg
Robert Edward Glass
Bryna Anne Goldberg
Kenneth Charles Goodbrand

Roger Alton Gosbee
Sara Graziani
Robert Steven Green
Peter Richard Greene
Allen Lorne Greenspoon
Douglas Edward Grundy
Susan Mary Grundy
Michael Peter Haddad
Terence Christopher Halpin
Yvonne Janet Hamlin
James Gerard Hanley
Paul Hugh Harricks
Kenneth Brian Harris
Murray Joel Hart
Douglas Ronald Haunts
Ronald John Hawkshaw
George Richard Hejduk
Richard Colin Henderson
David Geoffrey Higgins
David Jeremy Hill
Gordon Murphy Hill
Heather Gaye Hisey
Harry Hochman
Douglas Charles Hodgson
Maria Elena Hoffstein
Brian Joseph Hogan
Anne Estcourt Holland
Neil Bradford Holmes
William Browne Horkins
Michael Kevin Housley
Thomas Arnot Houston
Alexandra Hilda Hoy
Pamela Susan Hughes
Celeste Iacobelli
John George Illingworth
James Robert Inglis
Howard Raphael Isaac
Richard Michael Ittleman
Peter Janzen
Walter Peter Jazvac
Daniel Stephen Johnson
Elizabeth Jameson Johnson
Karen Eileen Johnston
Robert Kaplan
Roy Frederick Olaf John Karlstedt
Barry Michael Kaufman
Terence Michael Kavanagh
John Daniel Kenewell
Wallace McCaw Kenny
Edmund Kent
Elizabeth Anne Wise Keshen
Steven Arthur Kichler
Judith Elizabeth Ann Kingston
Pamela Linda Kirsch
Caroline Hilda Arnolda Klein Beernink
Robert David Kligman
Graham Anthony Knight
Marie Gabrielle Helene Koller
Mark Stephen Korn
Elaine Kovinsky
Andrew Koziar
Barbara Kulaszka
Stephen Paul Kylie
Eva Lake
Sharon Stephanie Landsman
Peter Daniel Lauwers
Ruth Mary Lawson
Stephen Ralph LeDrew
Julie Yan-Ping Lee
May Ye Lee
Stuart William LeMesurier
John Fergus Lennox
James Roy Lewis
Joanne Druscilla Lewis
Barbara Merle Lipowitz
David Frank Longley
Wai Line Lily Low
Timothy Martin Lowman
William Paul Luby
Stephen William Luff
Gary Howard Luftspring
Margaret Amanda MacDonald
Donald John MacKillop
Dan Malamet
Paula Marie Mallea
Paula Anne Mannone
Giuseppe Paul Marcuccio
Irving Harold Marks
James Gordon Marsh
Larry Michael Marshall
John Leonard Martin
Ronald James Matheson
James Hubert Mathieson
David Gordon McBean
Patricia McCann-Smith
Peter Norman McCarter
Ernest Chesley Russell McGowan
John William Joseph Edward McIninch
Frances Kathryn McIntosh
Gordon Charles McKechnie

Mary Elizabeth Anne Keeshan McLean
Reginald Murray McLean
Murray Grant Meldrum
Melissa Maxine Merker
Alvin David Merman
David Gerard Merner
William John Millar
Barbara Jean Mixer
Jane Thorburn Monaghan
Maralynne Anne Monteith
Geoffrey Brian Morawetz
Casimir Henry Morel
Philip John Moroun
Patrick George Muise
Patrick Michael Murphy
Peter Eugene Murphy
Constance Tsuneko Nakatsu
David Graham Nattress
Peter Gilbert Neilson
Carol Ann Nelson
Ilan Joel Neuman
Michael David Newman
Catherine Pauline Zulik Nicholls
Albert Roland Nigro
Michael David Obert
Douglas Allan Palmateer
Raphael Frank Anthony Palumbo
Marina Sarah Paperny
Michael Dale Parayeski
Robert Malcolm Parry
Garfield Murray Payne
Susan Jane Peacock
Lisa Janet Pearson
Dean Alexander Peroff
Moira Eileen Theresa Phillips
Joseph David Timothy Pinos
David Ira Poch
Shelley Elizabeth Pohjola
Robert Edward Pollock
Alisa Ann Posesorski
Michael Lane Powell
David Charles Poynton
Michael Murray Pratt
Kenneth Prehogan
Richard Douglas Arthur Prouse
Sherri Reinstein
Duncan Burns Richardson
Joel Richler
Paul John Ridding
Mark Joseph Robinson
Craig McRae Robson
Gordon Louis Robson
Donald Barclay Roger
Patricia Rogerson
Lawrence Allen Rotenberg
Cynthia Rowden
Sheldon Jeffrey Rudolph
Neil Kenneth Rutter
Ramnarine Sahadeo
Peter Bedros Sahagian
Fiona Margaret St. Clair
Felicia Merian Salomon
William Grant Schaming
Abraham Irvin Schein
Eric Norman Schneider
Simon Schneiderman
Cornelia Maria Schuh
Thomas Edward Scott
Sandra Lynn Secord
Marc Howard Senderowitz
William George Shanks
Garry Erwin Shapiro
David James Sherman
Marvin Barry Shifman
Peter Alan Shiroky
Neil Hart Shopsowitz
Gavin Shorrock
Geary Byron Shorser
Florene Shuber
Mark Lorne Siegel
Fern Wendy Silverman
Jeffrey Brian Simpson
Mary Jane Tocher Sinclair
Kenneth George Singer
Corinne Louise Sklar
Eric Kenneth Slone
Judith Anne Smale
Barry Edward Smith
Catherine Anne Smith
Robert Bruce Smith
Susan Elizabeth Snelgrove
Frank Anthony Soppelsa
Michael Sterlin
Timothy Edward James Storus
John Mark Stransman
Michael Mendel Strathman
Paul Christopher Strickland
Ralph Frederick David Swaine

Alexander James Sywak
David Robert Guthrie Tait
Wendy Dianne Templeton
Gordon Craig Thomas
Daniel John Thompson
James Fetherston Scott Thomson
Carol Lesley Thorson
Charles Bryan Ticker
Norman Cecil Tobias
John Howard Tory
Bonnie Ann Tough
Gordon Manton Townend
Carole Ann Trethewey
Paul Richard Trethewey
Barbara Ann Uhlir
John Unger
Richard Frank Vero
Toby Elaine Vigod
Elizabeth Margery Waight
Charles Kelton Waite
David Robert Wands
Gordon Ernest Watkin
Brian Clarence Weagant
Marcie Inez Weinman
Lisa Merle Weinstein
Barbara Elizabeth Morland Wellard
James Edmund Weppler
Leslie Ann White
Alan Whiteley
Jonathan Howard Wigley
Margaret Ann Wilkinson
Maureen Francis Williamson
Christopher Ewen Herbert Wilson
David Shawn Wilson
Steven Franklin Wilson
Beverly Jean Wilton
Alan David Winter
Gary Leonard Wiseman
Caron Elizabeth Wishart
Arlene Diane Wolfe
Irving Wolkowicz
Brian Gregory Wright
Robert Valentine Wright
Charles Wrock
Mark Ian Young
Michael Leslie Young
Marisa Zanini
Enio Zeppieri

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of The Law Society of Upper Canada.

....

CONVOCATION ADJOURNED AT 3:30 P.M.

....

Following Convocation a Special Sitting of The Supreme Court of Ontario was convened in the O'Keefe Centre with The Honourable Gregory T. Evans, Chief Justice of the High Court of Justice for Ontario, presiding.

Mrs. Legge presented the candidates to the Chief Justice of the High Court, before whom they took the usual oaths and acknowledged their signatures on the Rolls in the presence of the Court.

The Chief Justice of the High Court then addressed the new Barristers.

. . . .

At the conclusion of the formal proceedings the new Barristers, their families and friends were entertained by the Treasurer and Benchers at a reception in the O'Keefe Centre.

. . . .

Confirmed in Convocation 16th May, 1980.

G. D. FINLAYSON
Treasurer

MINUTES OF SPECIAL CONVOCATION (ABRIDGED)

RESUMED – London, Monday, 14th April, 1980
2:30 p.m.

Prior to Convocation the Treasurer and Benchers had as their guests for luncheon at the University Club of the Faculty of the University of Western Ontario in Somerville House, London, Dean Philip W. Slayton of the Faculty of Law, University of Western Ontario; The Honourable G. T. Evans, Chief Justice of the High Court of Justice for Ontario; Mr. Alec Richmond, President, Middlesex Law Association, and Mrs. Richmond; Mr. G. W. Collins-Williams, Q.C., Director of Legal Education; Mrs. E. Rachael Knox, Assistant Director, Bar Admission Course; Mr. William R. Buchner, Q.C., Assistant Director, Bar Admission Course, London, and Mrs. Buchner.

. . . .

Following luncheon the Treasurer, the Benchers and their guests proceeded to Elborn College for the Call to the Bar Ceremonies of the 114 candidates who had applied to be called on Monday, 14th April, 1980.

. . . .

CONVOCATION RESUMED AT 2:30 P.M.

. . . .

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Barr, Carnwath, Carthy, Ferrier, Furlong, Mrs. Legge, Messrs. Lerner, Outerbridge, Mesdames Sutherland and Tait, and Mr. Tobias.

The body of the auditorium was occupied by the 114 graduates, their families and friends.

. . . .

ADDRESS

The Treasurer introduced Professor Philip W. Slayton, B.A., B.A., B.C.L., M.A., Dean of the Faculty of Law, University of Western Ontario, who addressed the graduates.

……….

PRESENTATION OF AWARD

Mr. G. W. Collins-Williams, Director of Legal Education, presented the recipient of an award to the Treasurer.

The Treasurer presented the following prize to:

The Giffen, Pensa Prize for the student obtaining the highest marks in the Course at London:

John Richard Ottewell

……….

CALL TO THE BAR

Mrs. L. L. Legge, Chairman of the Admissions Committee, presented to the Treasurer 114 candidates for Call to the Bar as follows:

TWENTY-FIRST BAR ADMISSION COURSE 1979-80

CANDIDATES FOR CALL TO THE BAR
ON MONDAY, 14TH APRIL, 1980

Lois Janine Aicken
Mark Powell Alchuk
Robert Douglas Annett
Eulalie Sheridan Barker
Mary Margaret Patricia Baumann
D'Arcy David William Bell
Robert Bruce Bell
Calvin William Barry Beresh
Michael Roy Geoffrey Best
Terence Jacob Billo
Alexander David Brander
David Laurence Brown
Leslie Craig Brown
Ellen Cherniak Brudner
Denis Edmund Burns
Brian Robert Campbell
Glen Russell Carey
Theresa Ann Campbell Caron
Thomas Joseph Carten
Brian Edward Chambers
Ann Elizabeth Chapman
John Athanasios Cotsomitis
Marion Elizabeth Crane
Susan Marjorie De Gruchy
Katherine Mary Elizabeth Doerner
Maureen Elizabeth Donnelly
Jon-Jo Adam Douglas
Michael Joseph Drury
Susan Evelyn Ellis
Jean Eileen Estabrook
Michael Frank Fair
Avril Anna Farlam

Julie Fodor
Robert James Foster
Michael Lloyd Fowler
Alicia Mary Gaunt
Nigel Grant Gilby
David William Goffin
David Robert Gulyas
Katherine Mary Harris
Dianne Louise Haskett
Thomas Albert Heeney
Janine Audrey Higgins
John David Horn
Geoffrey Mark Hornblower
Susan Janet Houston
James William Irwin
Milan John Jakub
Alan Richard Jane
Brian Harold Jane
Peter Christopher Johnson
Robert Maurice Jutras
Clifford Gregory Kay
Ramez Khawly
Patricia Louise Learmonth
Rosemary Frances Legris
Dean Raymond Leifso
Lynne Christine Leitch
Mark Gordon Lichty
Stephen Charles Lichty
Gail Doreen Lilley
David Franklin Logan
Irene May Lun Loh
Peter Edwin Loucks
Robert Frazer Lusk
John Thomas Lynch
John Alexander MacLeod
Graham Elmore Mahood
William Joseph Marinac
Alexander Ross McIntyre
John Wayne McLeish
Bruce Phillip Mitchell
Michael Patrick Moran
Barry Francis Nelligan
Adam Michael Oliver
David John Oliver
Michael Vincent O'Malley
Michael Steven O'Neill
John Richard Ottewell
Anne Irene Pelletier
Thomas Robert Porter
Reginald William Powell
Peter Martin Quinlan
Henry Anthony Rachfalowski
Michael William Evan Ratcliffe
Beverley Jane Reade
Nancy Carolyn Robinson
John Alfred Ruffilli
Linda Jane Irvine Sapiano
Joseph Michael Sereda
Preston Joseph Shea
Michael Norman Silver
Joan Christine Smart
Ralph Everett Smith
Randolph Iliff Smith
Paul Richard Steacy
Robert Michael Steeves
Robin Powell Steven
Robert Craig Stevenson
David Glen Stirling
Louise Ann Stratford
Clavell Warren Stroud
Douglas Anthony Sulman
John Bennet Trinca
Keith Murray Trussler
Jon Joseph Venutti
Sammy Simeon Vucinic
Diane Terry Vyse
Gregory George Wade
Brian Robert Wagner
Lawrence Allan Wanger
Byron Peter Westfall
David Winninger
Patricia Mary Edith Youdan

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of The Law Society of Upper Canada.

....

CONVOCATION ADJOURNED AT 3:30 P.M.

....

Following Convocation a Special Sitting of The Supreme Court of Ontario was convened in Elborn College with The Honourable Gregory T. Evans, Chief Justice of the High Court of Justice for Ontario, presiding.

Mrs. Legge presented the candidates to the Chief Justice of the High Court, before whom they took the usual oaths and acknowledged their signatures on the Rolls in the presence of the Court.

The Chief Justice of the High Court then addressed the new Barristers.

....

At the conclusion of the formal proceedings the new Barristers, their families and friends were entertained by the Treasurer and Benchers at a reception in the Gymnasium at Elborn College.

....

Confirmed in Convocation 16th May, 1980.

G. D. FINLAYSON

Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

RESUMED – Ottawa, Wednesday, 16th April, 1980
2:30 p.m.

Prior to Convocation the Treasurer and Benchers had as their guests for luncheon in La Chaudière Room of the Skyline Hotel, Ottawa, David L. G. Johnston, Principal and Vice Chancellor of McGill University, and Mrs. Johnston; The Honourable W. G. C. Howland, Chief Justice of Ontario; Lucien Lamoureaux, Canadian Ambassador to Belgium; The Right Honourable C. Joseph Clark, P.C., Leader of the Opposition in the House of Commons, and Ms. Maureen McTeer; Mr. William J. Simpson, President, Ottawa-Carleton Law Association; Mr. G. W. Collins-Williams, Q.C., Director of Legal Education; Mrs. E. Rachael Knox, Assistant Director, Bar Admission Course; and Mr. J. Patrick Watson, Q.C., Assistant Director, Bar Admission Course, Ottawa.

....

Following luncheon the Treasurer, the Benchers and their guests proceeded to the International Ballroom of the Skyline Hotel for the Call to the Bar Ceremonies of the 158 candidates who had applied to be called on Wednesday, 16th April, 1980.

....

CONVOCATION RESUMED AT 2:30 P.M.

....

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Bowlby, Brulé, Carnwath, Cass, Carthy, Chadwick, Chilcott, Farquharson, Fennell, Ferrier, Ground, Henderson, Mrs. Legge, Messrs. Ogilvie, Scace, Mesdames Sutherland and Tait, Messrs. Thom and Willoughby.

The body of the auditorium was occupied by the 158 graduates, their families and friends.

. . . .

CONFERRING OF HONORARY DEGREE

Mr. J. J. Carthy, Chairman of the Legal Education Committee, read the following Citation:

> Mr. Treasurer –
>
> It is my most agreeable duty to present to you and to this Convocation David Lloyd Gilbert Johnston and to request that you confer upon him the degree of Doctor of Laws.
>
> He exemplifies those qualities of intellect and temperament which distinguish the legal scholar and direct the academic administrator. He has earned the confidence and repaid the trust of his professional colleagues who within a single decade increased the ambit and generality of his responsibilities from the guidance of individual law students at Queen's University and at the University of Toronto, to the leadership of the considerable law faculty of The University of Western Ontario. The weight and scope of his duties were further enlarged when he became Principal and Vice Chancellor of McGill University in Montreal.
>
> These distinctions and recognition as a legal author were added to a measure of renown based upon conspicuous ability as an athlete that still distinguishes a character in which are combined in due proportions the strengths of mind and body which formed the classical ideal.
>
> He is deserving of the highest honour The Law Society of Upper Canada has to give and I request you, Sir, to confer upon David Lloyd Gilbert Johnston the degree of Doctor of Laws, honoris causa.

The Treasurer then conferred the degree of Doctor of Laws, honoris causa, upon David L. G. Johnston, Principal and Vice Chancellor of McGill University.

. . . .

ADDRESS

The Treasurer introduced David L. G. Johnston, A.B., LL.B., LL.B., LL.D., Principal and Vice Chancellor of McGill University, who addressed the graduates.

. . . .

PRESENTATION OF AWARDS AND APPOINTMENTS

Mr. G. W. Collins-Williams, Director of Legal Education, presented the recipients of awards and appointments to the Treasurer.

The Treasurer presented the following prizes to:

The Gowling, Henderson Prize for the student obtaining the highest marks in the Course at Ottawa:

Raymond Emeric Quesnel

The Arthur Wentworth Roebuck Award for Family Law (tie):

Marilyn Gwen Stanley

and congratulated the following who had been given special appointments:

A Law Clerk to The Honourable W. G. C. Howland, Chief Justice of Ontario:

Donald John Rennie

A Law Clerk to The Honourable G. T. Evans, Chief Justice of the High Court of Justice for Ontario:

Michael Wayne Duffy

....

CALL TO THE BAR

Mrs. L. L. Legge, Chairman of the Admissions Committee, presented to the Treasurer 158 candidates for Call to the Bar as follows:

TWENTY - FIRST BAR ADMISSION COURSE 1979-80

CANDIDATES FOR CALL TO THE BAR ON WEDNESDAY, 16TH APRIL, 1980

Gordon Peter Acton
Glen Robert Agar
David Akman
Michael Henry Altman
Niculae Alexander Amarica
Ronald Bruce Appleton
Gary Kenneth Arkin
George Ronald Ashley
Robert George Bales
Andrea Baston
David Edward Lamberton Beach
Adele Berthiaume
Laura Diana Berzins
Steven Blau
Glen Arthur Bloom
Marc Lothar George Henry Bode
Penelope Sue Bonner
Norman Douglas Boxall
Philip Robert Brazeau
William Anthony Brooks

Gordon Glen Buchan
James Wylie Buchanan
Shelley Rose Cass
Edward Charles Castle
John Stephen Cavanagh
Jacques Vincent Chartrand
Michael George Cochrane
Timothy Boyd Colbert
John Matthew Corrigan
Michael Joseph Thomas Cuddihy
Brian Thomas Daly
Michael Brian Delman
John Robert Dillon
Kenneth Wayne Dryden
Roger Dubé
Michael Wayne Duffy
Laurence James Edward Dunbar
Robert Bruck Easton
Charles Edward John Bennett Ecclestone
David Bradley Evans
Frank Michael Falsetto
Norman Michel Fera
Patrick Joseph Flynn
Douglas Hugh Forsythe
Dufferin Fenton Friesen
Douglas James Gadient
Jean-Claude Albert Gélinas
George Normand Glaude
Marissa Tatiana Elizabeth Goebbels
Lawrence Alan Greenspon
Willa Fay Harasym
Stephen Philip Horwitz
Geoffrey Arthur Howard
Gregory James Howard
Frances May Howe
Peter William Hurrell
Michael Gerard Janigan
David James Jewitt
Richard Charles Johnston
Joseph Michel Marc Jolicoeur
Michael Joseph Jolicoeur
Anthony Sean Jones
Michael Northridge Jones
Robert John Kearns
Susan Ann Klassen
Vuk Mario Kovinich
Diane Kriger
Johanne Lafrance-Cardinal
Peter James Lamont
Sylvie Edythe Lamoureux
Kenneth Leonard Peter Lancaster
Ronald John Lane
Joseph Pierre Rodolphe Lavigne
Jeffrey David Lazare
Peter Ralph Lederman
Elissa Malca Lieff
Katherine Mary Livingstone-Pickett
Kenneth James MacDonald
Shaun Terence MacIsaac
Alison Jean MacPhail
Robert William MacQuarrie
Donald John MacRae
Kay Vanstone Marshall
David Joseph Martin
Deirdre Geraldine Martin
Mary Judith Ann McCann
Eric David McCooeye
Hilary Clare Louise McCormack
Colin James McCorriston
Perry Ross McCuaig
Ian Laurie McKechnie
Patricia Ellen McLachlan
Maureen Anne McTeer
John Edward Merner
Irving Miller
Kathleen Susan Mitchell
Deborah Elizabeth Therien Nesbitt
Dianne Marguerite Nicholas
Derek Gerald Nicholson
Karen Mary O'Byrne
Patricia Marie Perrizo Olson
Theo Anne Opie
Eugene Leon Oscapella
Mark Joseph Paci
Edwin William Paget
Jean-Jacques Joseph Paquette
Garth Edward Parker
John Adam Pavlus
Keith William Perrett
Brian Orville Phillips
Helen Pierre
Kenneth Charles Pope
Annette Mary Leona Poulin
Patricia Lee Pritchard
Raymond Emeric Quesnel
Stephen Harry Quist
Celina Marie Reitberger
Donald John Rennie
Stephen Arthur Ritchie
Sharon Rosentzveig

Charles Myer Rotenberg
Franklin Charles Roy
Leonard John Samek
Stephen Leslie Paul Sanderson
Pasquale Santini
Demenico Antonio Scapillati
Kenneth Edmund Sharpe
David Paul Shoobert
Mary Frances Anne Shushack
Margaret Alice Smith
Douglas William John Smyth
Louis Hrvoje Sola
Marilyn Gwen Stanley
Jane Baillie Hill Steinberg
Stephen Steinberg
Guthrie John Stewart
Roger Edward Taylor
Maria Roma Tesla
David Alexander Thomas
Charles Stephen Thomson
Stephen Gardner Tierney
Alan Michael Troicuk
Roberto Gennaro Ventura
Robert Bruce Viner
James Lorne Waddell
Andrew Gordon Walker
Philippa Margaret Wall
Michael Peter Walsh
Jennifer Ann Ward
Laurel Lorraine Ward
Susan Mary Watt
David Bruce Weary
William George Webb
Stephen Paul Whitehead
Amy-Lynne Porter Williams
Natalie Jane Wilson
Stephen Kenneth Winters
Hank Tobias Witteveen

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of The Law Society of Upper Canada.

. . . .

CONVOCATION ROSE AT 3:45 P.M.

. . . .

Following Convocation a Special Sitting of The Supreme Court of Ontario was convened in the International Ballroom of the Skyline Hotel with The Honourable William G. C. Howland, Chief Justice of Ontario, presiding.

Mrs. Legge presented the candidates to the Chief Justice of Ontario, before whom they took the usual oaths and acknowledged their signatures on the Rolls in the presence of the Court.

The Chief Justice of Ontario then addressed the new Barristers.

. . . .

At the conclusion of the formal proceedings the new Barristers, their families and friends were entertained by the Treasurer and Benchers at a reception in the Skyline Hotel.

. . . .

Confirmed in Convocation 16th May, 1980.

G. D. FINLAYSON

Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 18th April, 1980
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Arthurs, Barr, Bowlby, Bynoe, Carnwath, Carthy, Cass, Catzman, Chadwick, Chilcott, Doran, Farquharson, Fennell, Ferrier, Furlong, Genest, Ground, Henderson, Humphrey, Lamont, Mrs. Legge, Messrs. Lerner, McWilliams, Noble, O'Brien, Ogilvie, Outerbridge, Pepper, Scace, Shaffer, Sheard, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wardlaw, White, Willoughby and Yachetti.

....

MINUTES

The Minutes of Convocation of 21st March, 1980 were confirmed.

....

ISADORE LEVINTER, Q.C.
BENCHER EX OFFICIO

The Treasurer referred to the death of Isadore Levinter, Q.C., of Toronto, on 23rd March, 1980. Mr. Levinter was a Bencher ex officio of the Society and a Life Member. He was called to the Bar on 24th November, 1921 and first elected a Bencher at the Benchers Election in 1956. He was re-elected a Bencher in 1961 and 1966, becoming a Bencher ex officio in 1971. He was active in the formative years of Legal Aid and Chairman of the Society's Legal Aid Committee from 1958 to 1972 and thereafter an active member of the Legal Aid Committee until 1979. In addition he served as a member on most of the other Standing Committees including Discipline and Finance. Over the years he provided the Society with invaluable advice respecting insurance matters. Mr. Levinter was the first Jewish Bencher, a founding director of The Advocates' Society and a former chairman of the Civil Liberties Committee of the Canadian Bar Association. Until his death at age 81, while on vacation in Florida, he was actively engaged in practice and was present in Convocation on 18th January, 1980.

. . . .

WILLIAM H. FURLONG, Q.C.

The Treasurer referred to the death of William Henry Furlong, Q.C., of Windsor, on 2nd April, 1980. Mr. Furlong, who was in his 90th year, was a Life Member of the Society, having been called to the Bar 23rd September, 1914. The Treasurer expressed the Benchers' regrets on the death of his father to Mr. P. G. Furlong, an elected Bencher, who had practised with his father until the latter's retirement a few years ago.

. . . .

BARBRA TEENA SCHLIFER

Barbra Teena Schlifer, of Toronto, was called to the Bar at the O'Keefe Centre on Thursday, 10th April, 1980. On her return from a celebration with fellow graduates, she was assaulted, murdered and robbed in the entrance of her apartment building. She had planned to establish a practice with a fellow graduate in Downsview.

. . . .

NOMINATIONS FOR TREASURER

The Treasurer referred to Rule 19 made under The Law Society Act respecting the election of Treasurer.

The Secretary read the names of those nominated for the office of Treasurer in alphabetical order, together with the names of those who nominated and seconded as follows:

Mr. J. D. Bowlby	–	nominated by Mr. J. D. Carnwath seconded by Mr. Pierre Genest

Mr. P. B. C. Pepper	nominated by Mr. Stuart Thom seconded by Mr. L. S. Willoughby

. . . .

MOTION: TRANSLATION INTO FRENCH OF THE NAME OF THE SOCIETY

The following motion was placed before Convocation on 21st March, 1980:

That the French translation of the Society's name be *"La Société des Avocats du Haut Canada"*..

The vote on the motion was deferred pending the name appearing in the Communiqué. The name appeared in Communiqué No. 97 respecting March Convocation.

It was moved and seconded that the French translation of the Society's name be *"La Société* du Barreau du Haut Canada".

It was moved and seconded that there be no French translation of the Society's name.

It was moved and seconded that the French translation of the Society's name be *"La Société des Avocats du Haut Canada"*.

Stand for one month.

. . . .

DISCIPLINE COMMITTEE–Mr. Carnwath

Re: ROBERT EMMET DESORMEAU, Orillia

Mr. J. D. Carnwath, Chairman, placed the matter before Convocation. The matter had been before Convocation on 18th January, 1980, when at the request of counsel for the solicitor, an adjournment was granted to the regular April Convocation.

The reporter was sworn.

Mr. E. A. DuVernet, Q.C., attended for the Society.

The solicitor did not attend nor did any one on his behalf.

Counsel for the Society informed Convocation that he had been advised that on 17th April, 1980, the solicitor had been convicted of one of the criminal charges against him and had instructed his counsel not to attend before Convocation.

Counsel and the reporter withdrew.

It was moved, seconded and *carried* that Convocation proceed.

Counsel and the reporter returned.

Counsel was advised of the motion adopted by Convocation.

With the consent of counsel, Convocation waived the reading by the Secretary of the Report of the Discipline Committee, dated 31st December, 1979, wherein the solicitor was found guilty of professional misconduct. The Committee found that the solicitor had misappropriated about $60,000 of clients' trust funds.

It was moved and seconded that the Report of the Discipline Committee, dated 31st December, 1979, wherein the solicitor was found guilty of professional misconduct be accepted.

Counsel and the reporter withdrew.

The motion was *carried*.

Counsel and the reporter returned. Counsel was advised that the Report had been accepted.

The Treasurer read the Recommendation as to Penalty of the Discipline Committee, namely, that the solicitor be disbarred.

Counsel and the reporter withdrew.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

Counsel and the reporter returned.

Counsel was advised of the results.

Counsel and the reporter retired.

....

Re: LORIS CHAPMAN, Toronto

Mr. Carnwath placed the matter before Convocation.

The reporter was sworn.

Mr. Henderson withdrew from Convocation, took no part in the discussions and did not vote.

The solicitor attended with his counsel, Mr. J. Douglas Crane, Q.C. The Society was represented by Mr. Bert Raphael, Q.C.

Convocation had before it the Report of the Discipline Committee, dated 31st March, 1980, wherein the solicitor was found guilty of professional misconduct. With the consent of counsel, Convocation waived the reading of the Report by the Secretary. The Committee found that, although no one had suffered loss, the solicitor's trust account had become overdrawn, his books were not maintained and he had failed to supervise his staff which placed his clients' interests in jeopardy.

It was moved and seconded that the Report of the Discipline Committee, dated 31st March, 1980, wherein the solicitor was found guilty of professional misconduct be accepted.

Counsel for the solicitor made no submissions as to the acceptance of the Report.

The solicitor, counsel and the reporter withdrew.

The motion was *carried.*

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the acceptance of the Report by Convocation.

The Treasurer referred to the Recommendation as to Penalty of the Discipline Committee, copies of which were then distributed to all members of Convocation. After taking into account the solicitor's excellent academic record, subsequent tragic personal circumstances and present course of rehabilitation, the Committee recommended that Convocation impose the penalty of suspension from the practice of law for a specific period of time, on the understanding that the solicitor will give to the Law Society the written undertakings set out in the recommendation together with an acknowledgment that he understands that the breach of any of his undertakings may result in the initiation of a formal Complaint against him. The Committee further recommended that the period of suspension be for one year from the date of Convocation's Order and noted that the solicitor had not engaged in the practice of law since June, 1979.

Counsel for the solicitor made submissions respecting penalty favouring the recommended penalty.

The solicitor, counsel and the reporter withdrew.

They returned.

Counsel for the solicitor advised Convocation that the suggested undertakings originated with him on behalf of his client. He agreed to certain changes in the wording of the undertakings which were to the effect that the solicitor would continue medical treatment and never practise alone.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that Convocation by Order suspend the solicitor for a period of two years and that the above undertakings be accepted for the reasons that (1) it would be consistent with a prior case (1972) relied on by counsel for the solicitor and (2) it would be a more appropriate period of recovery with reference to the undertaking respecting medical treatment.

It was moved and seconded that Convocation by Order suspend the solicitor for a period of one year to 30th April, 1981, and that the solicitor give to the Society written undertakings as set out in the amended Recommendation as to Penalty.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the two motions before Convocation and that since the first motion would impose a more severe penalty than the Discipline Committee recommended, the solicitor may wish to consider his position and request an adjournment. Counsel for the solicitor did not ask for an adjournment and made submissions respecting penalty.

The solicitor, counsel and the reporter retired.

The motion that the solicitor be suspended for two years and that undertakings be accepted was *lost*.

The motion that the solicitor be suspended for a period of one year to 30th April, 1981, and that undertakings be accepted was *carried.*

The solicitor and counsel were advised of Convocation's action.

....

GENERAL

Mr. J. D. Carnwath, Chairman, presented the Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 13th March, 1980, which was stood over from the March Convocation.

The following members were present: Messrs. Carnwath (Chairman), Barr, Cass, Cooper, Furlong, Humphrey, Ruby, Mrs. Sutherland and Mr. Willoughby.

JOINT SUB–COMMITTEE ON "ASSOCIATES"

This Joint Sub-Committee was appointed on November 8th, 1979 to consider the term "Associates" as used on letterheads and in accounting records. At its February meeting, the Professional Conduct Committee approved the Sub-Committee's Report. The Sub-Committee, composed of Messrs. Carnwath, Ground and Anderson reported as follows:

> *"Firm" Names*
>
> Paragraph 8(b) of the Commentary to Rule 13 of the Rules of Professional Conduct reads as follows:
>
> "8(b) The use of phrases such as 'John Doe and Associates' or 'John Doe and Partners' in a firm name is improper unless there are in fact, respectively, two or more other lawyers associated with John Doe in practice or two or more partners of John Doe in the firm."
>
> It has come to the Sub-Committee's attention that the designation "Associates" is being used in a much wider sense than to describe lawyers employed by another lawyer. Further, it is noted that there is no specific paragraph of the Commentary to Rule 13 dealing with whose names may be included in a "firm name" and that many lawyers include in "firm" names, in addition to the names of lawyers who are partners, the names of employed lawyers and the names of lawyers with whom they have only an office-sharing arrangement. This would appear to contravene the intent of paragraph 6 of the Commentary to Rule 13 which states that "a lawyer's letterhead or the signs identifying his office should be restricted to the name of the lawyer or firm, a

> list of the members of any firm including counsel practising with the firm and the words 'barrister-at-law' ..." The practice has, however, become so widespread without any apparent detriment to the public that this Sub-Committee is of the opinion that paragraph 6 should be amended to conform with the practice.
>
> If there is nothing improper in the joining of names of sole practitioners in a "firm" name, then this Sub-Committee could find nothing improper in the names of sole practitioners appearing on letterheads and signs as "Associates" of other sole practitioners provided that:
>
> 1. the premises on which the sign appears is the principal place out of which all the lawyers whose names appear on the sign as "associates" practise law;
> 2. the address given on the letterhead is that of the principal place out of which all of the lawyers appearing on the letterhead as "associates" practise law;
> 3. there is a common telephone number or telephone numbers; and
> 4. there is a sharing of common expenses.
>
> It would not be sufficient to simply have an arrangement, contractual or otherwise, to refer clients to one another.

FEES TO BE PAID TO REFEREES

In June of 1977 the Policy Section appointed a Sub-Committee to study the question of fees to be paid to outside counsel and referees. The Sub-Committee was composed of Messrs. Ground, Bynoe and Carnwath. It recommended to the Policy Section that the per diem fee of $300 plus disbursements be increased to $400 together with the disbursements.

The Policy Section of the Discipline Committee at a meeting on December 8th, 1977, did not accept this recommendation of the Sub-Committee stating that "your Committee is of the opinion that the present per diem fee of $300 plus disbursements should stay in effect subject to the Policy Section having the discretion on the application of a referee to increase the fee. When determining whether an increase is warranted consideration is to be given to the circumstances of the referee so applying."

The Sub-Committee's Report as amended by the Policy Section went forward to Convocation on January 20th, 1978.

Convocation accepted what the Policy Section had done but amended the Committee's recommendation by deleting the words "subject to the Policy Section having the discretion on the application of a referee to increase the fee. When determining whether an increase is warranted consideration is to be given to the circumstances of the referee so applying."

The Committee considered the question of the remuneration and recommended that the present fee of $300 paid to referees, which has not been increased for ten years, be increased to $400.

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. Tobias

Mr. P. B. Tobias, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 13th March, 1980, which was stood over from the March Convocation.

The following members were present: Messrs. Tobias (Chairman), Chilcott, Furlong, Strauss and White.

1. Several accounts were approved.

2. A complainant wrote that an individual was giving legal advice on a divorce. The Secretary was instructed to retain counsel to commence a prosecution if in counsel's opinion there was sufficient evidence of a breach of Section 50(1) of The Law Society Act. The Secretary was also instructed to send a copy of the complainant's letter to the Ministry of the Attorney General.

3. A discussion took place concerning the charge of holding oneself out as a solicitor contrary to Section 50(1) of The Law Society Act. The Committee recommended that the profession be advised in the Communiqué that the Law Society is appealing a case of holding out based on an advertisement in a newspaper.

4. A letter was received from the Ministry of the Attorney General concerning the six months limitation period which applies to prosecutions under Section 50(1) of The Law Society

Act. The Committee recommended that an item be placed in the Communiqué indicating to the profession that since there is a six months limitation period applicable to prosecutions for unauthorized practice, any complaints should be forwarded to the Law Society as soon as they come to the member's attention.

5. A solicitor wrote that an individual was giving legal advice and holding himself out to be a solicitor in Ontario. The Secretary was instructed to write to the solicitor that there is insufficient evidence of unauthorized practice and if he has any further evidence of unauthorized practice to forward it to the Society. The Secretary was also instructed to have the solicitor notify the police.

6. A solicitor advised that an individual was giving immigration advice to individuals. The Secretary was instructed to write to the solicitor that there was not sufficient evidence of unauthorized practice and to refer the matter to the R.C.M.P. and the Metropolitan Toronto Fraud Squad.

THE REPORT WAS RECEIVED

....

Mr. Tobias presented the Report of the Unauthorized Practice Committee of its meeting on Wednesday, 9th April, 1980.

The following members were present: Messrs. Furlong (Acting Chairman), McWilliams, Strauss and White.

1. Several accounts were approved.

2. A complaint was received that an agency was giving legal advice concerning a Workmen's Compensation Board case. The Secretary was instructed to refer the matter to the Legal Aid Committee and ask for a report.

3. A letter was received complaining that an individual was using the letterhead of a legal firm in order to collect rent from a tenant. The Secretary was advised to send a copy of the

complaint and letterhead to the legal firm concerned.

4. The Secretary reported that he had received an enquiry from Tele-Direct suggesting a heading in the yellow pages of the telephone directory which would read "Agents in Small Claims Court" or "Paralegals in Small Claims Court". The Secretary was instructed to write to Tele-Direct that the heading should be "Agents in Small Claims Court" and that the Law Society objects to the use of the term paralegals in the heading.

5. A correspondent complained that an individual was representing a person and requesting a settlement of a civil matter on behalf of the person. The Secretary was instructed to write to the complainant and suggest that he consult his own solicitor, and to write the individual complained about warning him that he may be in breach of Section 50(1) of The Law Society Act.

6. A brochure respecting paralegal services available to solicitors was submitted with an enquiry as to whether the Society objected to the services being offered. The Secretary was instructed to reply with a copy of Section 50(1) of The Law Society Act, indicating that there is no objection to providing services and advice to the legal profession provided that such services and advice do not constitute the practice of law.

7. Consideration was given to a request from a solicitor for approval to employ as a law clerk, under the supervision of solicitors, an individual who had been prosecuted for unauthorized practice. The Secretary was instructed to reply that the individual should comply with his undertaking not to engage in the unauthorized practice of law.

THE REPORT WAS RECEIVED

. . . .

LEGAL EDUCATION COMMITTEE—Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the Legal Education Committee of its meeting on Wednesday, 9th

April, 1980.

The following members were present: Mr. J. J. Carthy, Chairman, Messrs. Barr, Catzman, Doran, Ferrier, Genest, Ground, Lerner, Scace, Mrs. R. M. Tait, and Messrs. Thom and Wardlaw.

MARCH SPECIAL LECTURES

The report of Mr. Marvin Catzman, Q.C., Chairman of the March Special Lecture Series, 1980 was before the Committee.

Noted

BAR ADMISSION COURSE – SPECIAL CONVOCATIONS FOR CALL TO THE BAR

This item was included in the Committee's report to Convocation on Friday, March 21st, 1980, and stood over by Convocation until 18th April.

The Treasurer requested that the Committee consider ways and means of holding only one Special Convocation for Call to the Bar in 1981 in the place and stead of the four Special Convocations which this year and in past years have been held on two occasions in Toronto, on one occasion in Ottawa and one occasion in London. The following report of the Director on this subject was before the Committee:

> In 1979 the number of successful graduates of the Bar Admission Course, entitled to be called to the bar in April, was approximately 1,050 and it is expected that about the same number of candidates will be called to the bar in April, 1980 and for the foreseeable future, each spring thereafter. In 1980 approximately 760 of this number will be called to the bar at two special Convocations in Toronto, 175 at a special Convocation in Ottawa and 115 at a special Convocation in London.
>
> Section 54(1) paragraph 18 of the Law Society Act reads as follows:
>
> "54.–(1) Subject to section 55, Convocation may make rules relating to the affairs of the Society and, without limiting the generality of the foregoing ...
>
> 18. prescribing procedures for the call to the bar of barristers and the admission and enrolment of solicitors;"
>
> Call to the bar procedures are not otherwise dealt with in the Act. The relevant rules made under the above section are Rules 51 and 53. Rule 53 requires the appearance, in person, of each candidate both before Convocation

and before the Court.

The Special Convocations for call to the bar in Toronto have for some years been held in the O'Keefe Centre and will again be held there in April, 1980. In April 1977, 667 candidates were called to the bar at that theatre on a single afternoon. The Convocation ceremony and the Court sitting functioned satisfactorily within acceptable time limits. The reception held in the theatre, following the ceremonies, was unsatisfactory and unsuitable because of the impossibility of handling the numbers of candidates and guests in the available space.

It can therefore be concluded that one Special Convocation for call to the bar of some 1,050 candidates could be held at the O'Keefe Centre in Toronto in April 1981 following the procedures laid down under Rule 53 and using the procedures which have been heretofore followed at call to the bar ceremonies in the O'Keefe Centre. If this is done, it is recommended that no attempt to hold a reception should be made. Further it is to be noted that the number of guests which each candidate could invite to the call to the bar ceremonies would have to be strictly limited to two.

In the event that the Committee and Convocation should think it desirable that procedures on call day should not require the attendance, in person, of every candidate, then Convocation would have to proceed by way of amendment of the rules and in particular of sub-Rules (3) and (4) of Rule 53 and Rule 51. As noted above, these rules fall within the rule-making powers of Convocation under Section 54 of the Act. The call to the bar procedures are not governed by regulations made under Section 55 of the Act.

The Committee recommends that the four special Convocations for call to the bar for successful candidates in the Bar Admission Course be continued.

Convocation directed that this item Stand Over for further consideration at its next meeting.

The Committee affirms its recommendation above.

BAR ADMISSION COURSE – ANNUAL MEETING OF SENIOR INSTRUCTORS LONDON AND OTTAWA

The Director proposed that the Annual Meeting of the Senior Instructors of the Bar Admission Course in London be held in London on Tuesday, May 20th, 1980 at 4:00 p.m., followed by a reception and dinner at 6:00 p.m. for 6:30 p.m.

It was further proposed that the Annual Meeting of the Senior Instructors of the Bar Admission Course in Ottawa be held in Ottawa on Thursday, May 22nd, 1980 at 4:00 p.m., followed by a reception and dinner at 6:00 p.m. for 6:30 p.m.

Approved

SPECIAL PETITIONS

The Committee considered 7 special petitions. Three petitioners sought permission to defer entry into the teaching term of the Bar Admission Course. Two requested a one-year deferment, one because of pregnancy and the other to accept a William W. Cook Fellowship at the University of Michigan Law School. The third requested a two-year deferment to pursue the degree of M.Phil. in International Relations at Oxford University, England, but stated that an attempt would be made to accomplish this in a reduced period of study and if this could be done, only a one-year deferment would be required and the petitioner would notify the Law Society in advance. The three petitions were approved.

The other four petitioners each sought permission for the late filing of applications for admission to the Bar Admission Course. Each filed an application with articles of clerkship and affidavit of execution, and paid the admission fee and a penalty for late filing. Each asked to be admitted as a student member and that service under articles be deemed to have commenced on the date shown in their respective documents. Similar petitions had been submitted to the Admissions Committee. The four petitions were approved.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Education for the period from 1st July, 1979 to 31st March, 1980; and reviewed a summary of the Continuing Education programmes presented in March, 1980 and the publications report for the month of March, 1980.

THE REPORT WAS ADOPTED

. . . .

ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Wednesday, 9th April, 1980.

The following members were present: Mrs. Legge (Chairman), Messrs. Affleck, Carthy, Catzman, Ferrier, Ground, Pepper, Scace, Mrs. Sutherland and Mr. White.

OCCASIONAL APPEARANCE

Jeffrey Gindin, of the Province of Manitoba, applied to proceed under Section 10 of the Regulation, "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Regina vs. Walter Burban.* Mr. Gindin presented a Certificate of Good Standing and wished to be called at the April Convocation. He had twice before been granted permission to appear in Ontario, in June 1978 and in November 1978. He asked permission to be granted a third occasional appearance and submitted that his client is a Winnipeg resident and would find it very difficult to communicate with counsel in another Province.

The Committee recommended that the request be denied.

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further nine candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1979.

Approved

DIRECT TRANSFER

The Committee considered an application to transfer to practise in Ontario by an Alberta lawyer, who sought permission to proceed under Regulation 4(1). The application was approved.

COMMON LAW EXAMINATION

A candidate, who had written the comprehensive examination on the common law in January 1980 and failed, was entitled under the Committee's ruling of June 1979 to make a second attempt at the next examination scheduled for 29th

May and 5th June, 1980. The candidate asked if she might be excused writing at that time and write at the September sitting, because she would be unable to attend in May and June. The Committee approved the request.

SPECIAL PETITION

A member of the Alberta Bar who was called in 1977 and has practised continuously in that province from that time for a corporation or one of its subsidiaries will be transferred in May to the corporation's law department in Toronto. On behalf of the corporation he is involved in a project for the production of synthetic crude bitumen from Alberta oil sands, and after his transfer he will continue to be the primary legal contact for all legal matters concerning this project although based in Toronto. His involvement will necessitate his travelling to and from Alberta, at least once a month, on a regular basis and his name will remain on the letterhead of the corporation's Alberta subsidiary. He will continue to be involved in the obtaining of permits required under Alberta legislation, for example, the Clear Air Act, the Clean Water Act, the Water Resources Act. Up to the date of his transfer to Toronto, he will have two and a half years of active practice in Alberta. He asked the Committee if that period of practice together with his continued involvement in Alberta would satisfy the Society's three-year requirement to transfer to the practice of law in Ontario.

Approved

PETITIONS
BAR ADMISSION COURSE

The Committee considered and approved four petitions for permission for the late filing of applications for admission as students in the Bar Admission Course, which were accompanied in each case by the requisite documents, the required fee and a fine for late filing. Similar petitions had also been submitted to the Legal Education Committee.

THE REPORT WAS ADOPTED

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FINANCE COMMITTEE—Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Wednesday, 9th April, 1980.

The following members were present: Messrs. Pepper (Chairman), Scace (Vice-Chairman), Brulé, and Wilson.

ROLLS AND RECORDS

Deaths

The following members have died:

John Michael King, Q.C. St. Catharines	Called – 20 September 1945 Died – 7 March 1980
Gordon John Wyatt Willowdale	Called – 9 April 1976 Died – 11 March 1980
Hugh Alexander Coulson Rose, Q.C. Welland	Called – 18 June 1936 Died – 9 March 1980
Albert Willard Boos, Q.C. Waterloo	Called – 16 February 1933 Died – 10 March 1980
Isadore Levinter, Q.C. Toronto (Bencher and Life Member)	Called – 24 November 1921 Died – 23 March 1980

Disbarment

The following member has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Society:

John Fraser Paul Hargrave Toronto	Called – 21 June 1951 Disbarred – Convocation 21 March 1980

Noted

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing law associations which had sent in their Annual Returns for 1979 and setting out the amounts of the grants to which they appear to be entitled under the Regulation in 1979 and 1980. The Libraries and Reporting Committee approved these grants at its meeting on 9th April, 1980, subject to the approval of this Committee.

Approved

THE REPORT WAS ADOPTED

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DISCIPLINE COMMITTEE (Continued)

GENERAL

Mr. J. D. Carnwath, Chairman, presented the Report of the Policy Section of the Discipline Committee of its meeting on Wednesday, 9th April, 1980.

The following members were present: Messrs. Carnwath (Chairman), Bynoe (Vice-Chairman), Ogilvie (Vice-Chairman), Affleck, Barr, Furlong, Mrs. Sutherland and Mr. Willoughby.

1. DISCIPLINE PROCEDURES

The Committee considered the present provision contained in paragraph nine of the suggested procedures to be followed at a sitting of a panel of the Discipline Committee, which read as follows:

> "In the event the Committee decides to impose a penalty more serious than an Order of Reprimand in Committee, the Committee sitting need not be reconvened in the presence of the member but the member may be informed by an Assistant Secretary that he will in due course receive a copy of the Committee's decision and its recommendation to Convocation as to penalty."

At a recent hearing of the Discipline Committee, two Benchers did not think that the above procedure was appropriate. They were of the opinion that the Committee (not the Assistant Secretary) should advise the lawyer that the Committee believed that the case was too serious to be dealt with in Committee and that a Report together with a Recommendation as to Penalty would be sent to Convocation. After consideration, the Committee expressed the view that paragraph nine need not be revised.

2. COMMISSIONS – RULE 10.8 – INVESTMENTS MADE FOR CLIENTS

Rule 10.8 provides in part that no fees, reward, costs, commission, interest, rebate, agency or forwarding allowance or other compensation whatsoever related to professional employment may be taken by the lawyer from anyone other than the client without full disclosure to and the consent of the client.

The Committee discussed the need for the profession to be reminded of the existing Rule and therefore recommends to Convocation that a reference to same be made in the next issue of the Communiqué.

3. PARTNER OR ASSOCIATE OF A BENCHER APPEARING AS COUNSEL FOR A SOLICITOR BEFORE THE DISICIPLINE COMMITTEE AND CONVOCATION

In March of 1969 the Discipline Committee recommended that a lawyer should not act as counsel for the Law Society nor as counsel for a solicitor appearing before the Discipline Committee if he were a partner or associated with a Bencher. This recommendation was adopted by Convocation. The Discipline Committee reviewed the question in 1975 and recommended that the restriction be lifted insofar as a partner or associate of a Bencher acting as counsel for the solicitor before the Discipline Committee was concerned. This was based on the understanding that the Bencher who is the partner or associate of the counsel would take no part in the proceedings. Convocation adopted this recommendation on January 31st, 1975.

The Committee recommended to Convocation that a partner of a Bencher or an associate of a Bencher not appear before Convocation or before a Committee of Convocation or a Referee on behalf of any party including, of course, the Law Society.

It was moved in Convocation, seconded and *lost* that item 3 be deleted.

4. INVESTMENTS BY LAWYERS OF CLIENTS' MONEY

At the March meeting of the Policy Section the Committee instructed instructed Messrs. Anderson and Scott to prepare a draft questionnaire which, when reviewed, would be submitted to the profession to elicit its views. The Chairman had a discussion with Mr. Anderson and they concluded that the questionnaire when completed should be submitted to an organization which produces professional questionnaires with a view to seeing that it is set out in the best possible way. When this has been done, it is proposed that a letter will go out over the signature of the Treasurer and that each member of the profession be required to reply giving his or her views. The compliance required would be similar to that presently required in Errors and Omissions filings and Form 2/3 filings.

5. PROPOSED SEMINARS FOR BENCHERS

The suggestion of seminars for Benchers sitting on a Discipline Committee panel was discussed. Some Benchers had expressed the view that it would be useful to have such seminars for the purpose of giving some of the newer Benchers more background and history than they presently possess. The utility of such a proposal is to be discussed at the weekend conference attended by the lawyers and accountants on staff and the Chairman and Vice-Chairmen of the Discipline Committee. A report will be made to the June meeting of the Policy Section.

THE REPORT WAS ADOPTED

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COMPENSATION FUND SUMMARY

Mr. Noel Ogilvie, Vice-Chairman, presented the Compensation Fund Summary for the period ended 31st March, 1980.

COMPENSATION FUND

For the Period from 1st July, 1979 to 31st March, 1980

(9 months)

TOTAL RECEIPTS	$ 746,914.91
TOTAL DISBURSEMENTS	$ 705,242.99
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 41,671.92
BALANCE OF FUND at beginning of period	$1,558,782.05
BALANCE OF FUND at end of period	$1,600,453.97
CLAIMS RECEIVED and in the course of being processed as at 31st March, 1980	$6,876,180.44

THE SUMMARY WAS RECEIVED

. . . .

LEGAL AID COMMITTEE–Mr. Bowlby

MOTION: APPOINTMENT OF AREA DIRECTOR, YORK COUNTY

It was moved, seconded and *carried* that Convocation approve the appointment immediately of Mrs. *Gretta J. Grant,* Q.C., as Area Director, York County, to replace Mr. W. Reid Donkin, Q.C., who has been appointed a Master of The Supreme Court of Ontario.

. . . .

REPORT

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on Tuesday, 15th April, 1980.

The following members were present: John D. Bowlby, Chairman, Mr. Barnes, Ms. Cornish, Messrs. Ellis, Ferrier, Mrs. Fleming, Messrs. Lamb, Linden, Nixon, Noble, Ogilvie, Ruby, Mrs. Smyth, Mrs. Tait and Mr. Tobias.

The following observer members were present: Brian P. Bellmore, solicitor, and Michael S. Fitzpatrick, Q.C., Clinic Funding Committee, and Ronald G. Thomas, Q.C., Criminal Lawyers' Association.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95(2), for the eleven month period ended February 29, 1980, shows that payments from the Legal Aid Fund exceeded budget by $499,000. Funds designated for community clinics were under-expended by $163,000, with the result that the remaining payments exceeded budget by $662,000 as follows:

Over Budget	*$*	*$*
Duty Counsel payments	246,000	
Criminal certificate accounts	180,000	
Legal advice accounts	5,000	
Salaried Duty Counsel programme	3,000	
Area Office costs	19,000	
Provincial Office costs	15,000	468,000
Under Budget		
Civil certificate accounts		12,000
		456,000
Add: Expenditures with no budget		
Research Facility	151,000	
Special Projects	55,000	206,000
		662,000

Income from sources other than the Province of Ontario was under budget by $102,000 as follows:

Under budget	*$*	*$*
Costs recovered		240,000
Over budget		
Law Foundation	50,000	
Cient contributions	23,000	
Miscellaneous income	65,000	138,000
		102,000

As at February 29, 1980, there was a negative balance in the fund of $561,000.

Statistics

The following table compares reported activity for the first eleven months of this fiscal year with the activity for the same period in the previous fiscal year:

	11 months ended		*% Change from*
	Feb. 29, 1980	*Feb. 18, 1979*	*last year*
Summary Legal Advice	41,264)		
	)	104,289	– 4.4
Referrals to other agencies	58,452)		
Applications for certificates	108,248	101,182	+ 7.0
Refusals	35,648	32,049	+ 11.2
As a percentage of applications	32.9	31.7	
Certificates issued	76,882	73,275	+ 4.9
Persons assisted by Duty Counsel:			
Fee for service	144,362	137,450	
Salaried Duty Counsel	48,807	31,754	
Total	193,169	169,204	+ 14.1

Write-Offs

George E. Wallace, Q.C., approved the write-offs of the following total of amounts due to the Legal Aid Fund: $10,916.08.

All of the accounts are at least three years old.

Legal Aid Budget 1980/81

(a) *Revised Budget*

The Deputy Director advised the Legal Aid Committee at its March meeting that the Plan's budget estimates which the Legal Aid Committee and Convocation had approved in January 1980 had been reduced.

The Management Board of Cabinet had approved a total government contribution of $31,203,000 which is an increase of $1.5 million or 5% over last year's contribution. Based upon the estimate originally approved by Convocation in January this reduction in the Government contribution will have the effect of creating a shortfall in funding for the coming year of almost $3.5 million.

At its April meeting the Committee reviewed in depth a revised budget for the fiscal year 1980/81 wherein an overall reduction of 6.6% was proposed. It was suggested this reduction rate be applied to Community Clinics, Student Legal Societies and Special Projects.

The revised budget also contained an option that the number of accounts to be paid to solicitors for work performed pursuant to certificates could be reduced to 65,300 from the original estimate of 70,000. However, this would have the effect of increasing the backlog of unpaid accounts at March 31, 1981 to a level of perhaps 19,000, the existing backlog being of the order of 12,000 accounts. In addition the average cost of an account originally estimated at $432 would be decreased by $7 to a new estimated average cost of $425. The combined effect would be to reduce the requirement for funds in this category by approximately $2.5 million.

A further option in the revised budget included a reduction of $100,000 or 3.3% in the fees available to solicitors for duty counsel services. This could be achieved by delaying the payment of such accounts by a further two weeks during this coming fiscal year. The effect would be to take extended credit with regard to these accounts thus improving the cash flow position of the Legal Aid Fund.

The costs of the administration of the Legal Aid Fund are to a large extent fixed costs because the major component relates to salaries. Other overhead costs such as rents, telephones, etc., are also of an inflexible nature. Thus, it was suggested that the Administration bear merely a token reduction of $50,000.

The Committee reviewed in depth the above noted proposals to reduce the budget for 1980/81. However, the Committee was cognizant of the Law Society's responsibility to administer the Plan in accordance with an Act and Regulation and to pay out of the Legal Aid Fund all costs incurred by the Plan. The alternative is to delay the payment of solicitors' accounts to such an extent that a substantial liability is created which can only be paid from the funding of future fiscal years.

Therefore, the Committee recommended:

> That the Treasurer of The Law Society write to the Attorney General pointing out the statutory responsibilities of the Law Society to pay out of the Legal Aid Fund costs incurred by the Plan and pointing out the anticipated shortages of money which may be created by the budget reduction before the end of the current fiscal year.

(b) Clinic Funding Budget 1980/81

The Chairman of the Clinic Funding Committee presented a report to the Legal Aid Committee recommending that the 1980/81 budget in the amount of $4,750,000 for Community Clinics be approved. It was pointed out that the Clinic program relieves the fee-for-service component of the Legal Aid Plan of a substantial burden in the area of administrative law. The Chairman advised that the salaries paid to legal and other staff in Community Clinics have been substantially lower than those paid to public and private sectors. It was noted that Convocation had recorded its support that employees of Community Clinics receive compensation comparable to that of Government and the private sector doing similar work. The Attorney General also expressed support for the concept of comparability. A reduction to the Clinic Funding budget would impede the effective administration of the program and eliminate the development of new clinics in 1980/81.

The Legal Aid Committee approved the Report of the Clinic Funding Committee and unanimously recommended.

> That the sum of $4,750,000 be designated by the Attorney General under Section 157 of the Regulation for the purpose of Community Clinics for 1980/81.

Section 157 of the Regulation read as follows:

> "That moneys required for the purposes of this Part shall be paid out of the moneys designated by the Attorney General for the purposes of this Part."

LEGAL ACCOUNTS

(a) REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	March 1980	*12 Months to March 31/80*	*12 Months to March 31/79*
Reviews on hand	786		
Reviews received in	283	1696	1502
	1069		
Settlements reviewed in	73	839	1334
Settlements awaiting review at end of	996		
	1069		

Appeals

	January	*February*	*March*
Appeals to Taxing Officer received during	5	1	–
Appeals heard by Taxing Officer	–	–	–
Appeals pending at the end of the month	5	6	6
Appeals abandoned	–	–	–

Activity

	1979/80 Fiscal Year		*1978/79 Fiscal Year*	
	Month of March 1980	*12 Months to March 1980*	*Month of March 1980*	*12 Months to March 1980*
Accounts on hand at beginning	11469	7273	7065	6016
Accounts received	6319	68465	6442	66478
Total Accounts to be processed	17788	75738	13507	72494
Less: Files cancelled	247	614	236	626
Accounts processed	5087	62670	5998	64595
Balance	12454	12454	7273	7273
In addition to the number of accounts for services completed there were:				
Interim Accounts	347	3453	268	2900
Supplementary Accounts	323	3211	254	3048
Total	670	6664	522	5948

(b) NOTES TO REPORT OF THE LEGAL ACCOUNTS OFFICER

Accounts

The Legal Accounts Department received 6,319 accounts in March and processed 5,087, leaving a balance of 12,454 on hand at the end of the month, which is a reduction of approximately 1,300 from the number of unpaid accounts on hand at the end of December.

In December changes to be implemented in January were reported to the Legal Aid Committee. Three former Accounts Examiners who were handling other responsibilities were to return to examining accounts for two purposes, firstly, to enable them to become familiar with the amended Legal Aid Tariff and, secondly, to assist in reducing the backlog. Overtime was encouraged. The decrease in the backlog is less than had been hoped. The reason is the increased time required to examine an account under the amended tariff and to record the statistical information.

Reviews

The number of requests to have settlements reviewed in March was 283, which is almost three times the number the Plan normally receives. The reason for this is the questions being raised by solicitors with respect to the application of the amended tariff. It is hoped that as the tariff becomes better known, the number of reviews will decrease.

(c) PROPOSED COMPUTERIZATION OF THE TARIFF

The Legal Accounts Officer informed the Committee that sufficient experience has now been obtained in taxing accounts under the new tariff to analyze the time required for both the settlement and extraction of the required statistical information. It is taking on the average of 33 minutes per account. The extraction of the statistical information takes 13 minutes.

Therefore, to settle 70,000 accounts, which is the approximate number expected in the fiscal year 1980/81, 24 accounts examiners will be required. The Legal Accounts Department presently has 18 examiners.

The Committee approved the hiring of two new legal accounts examiners and further recommended that the Chairman of the Legal Aid Committee appoint a sub-committee under the Chairmanship of Mr. Barnes, to investigate and make recommendations as to the possibilities of computerizing the payment of solicitors' accounts under the Legal Aid Tariff.

It was further recommended that the said sub-committee explore the feasibility of having a standardized statement of account form.

APPOINTMENT OF AREA DIRECTOR – GREY COUNTY

James C. McCubbin, Q.C., Grey County, retired as Area Director. Larry Easto, solicitor, Area Director for Bruce County, indicated his willingness to assume the position of Area Director for Grey County. The Bars of Grey and Bruce are closely connected. The senior members of the Law Association and the Chairman of the Grey County Area Committee endorsed the appointment. Mr. Easto will be secretary to the Grey County Area Committee and supervise the office in Owen Sound. The Legal Aid Committee approved the recommendation that *Larry Easto,* solicitor, be appointed Area Director for Bruce County and Grey County.

JOINT COMMITTEE

(a) MANDATE OF JOINT COMMITTEE

Convocation approved the appointment of a Joint Committee with the following terms of reference: to investigate and bring forward to the Legal Aid Committee for approval any recommendations arising from the proposal for improving the existing Legal Aid Program as outlined in the report of the Sub-Committee to Study the Delivery of Legal Services.

The proposals for improving the existing Legal Aid Program were:

(a) A central research bank to collect, collate and update research performed under a Legal Aid Certificate.

(b) The provision of separate services to counsel acting under Legal Aid Certificates – investigators and para-legal personnel, including social workers.

(c) Involvement of senior counsel in training programs and advising and assisting young counsel.

(d) The revision of the Criminal Legal Aid Panel in York County making it possible to identify members of the Panel competent to handle serious criminal cases and restricting access to the said criminal legal aid panel.

The Legal Aid Committee considered a motion:

> That the Joint Committee be wound-up no later than the date of the June meeting of the Legal Aid Committee.

It was suggested that any remaining work be transferred at that point in time to Committees of the Legal Aid Committee to be appointed by the Chairman to oversee the continuing work with which the Joint Committee has hitherto been involved.

Lee K. Ferrier, Q.C., Chairman of the Joint Committee, advised the Legal Aid Committee that the Joint Committee had not yet completed its terms of reference:

A blueprint to provide separate services to legal aid counsel relating to the use of investigators and social workers had not yet been received. The Research Facility had been made available only on a graduated basis to criminal practitioners acting under a certificate. There are many policy issues to be resolved.

The matter of making the Facility available to all members of the profession practising in Ontario even though they may not be on a Criminal Legal Aid Panel or act for an accused under a Legal Aid Certificate had not been concluded.

The Mentor Program envisaging senior counsel having assigned to them a workable number of junior counsel with whom they can meet and consult from time to time does not become operational until May, 1980.

The Legal Aid Committee, therefore, requested that the Joint Committee continue its work and that the Joint Committee present to the Legal Aid Committee both an outline of its terms of reference and a brief history of the Joint Committee's work.

(b) RESEARCH FACILITY

The Research Director advised the Committee that the number of enquiries that the Research Facility is receiving is increasing steadily. Almost every enquiry is being responded to with written materials in the form of copies of judgments and memoranda of law, written to suit each individual problem. It had been expected that about half of the enquiries would be simple requests of a single case name or a copy of an unreported judgment, but in fact there are very few such requests. Instead, defence counsel are wanting to discuss the entire fact-pattern of their cases when calling the Research Facility. This means enquiries seldom involve a single issue of law. Therefore, there is a need to write out an answer, because of its complexity,with supporting authorities. This places a strain upon other operations, such as the reading and indexing of new unreported judgments. But the benefit gained is that the Research Facility will be far ahead of its timetable for implementing a full memorandum service simply because the Facility is having to reply with written memoranda now. However, because of the fullness of the answers given, in turn, there is an impact upon the number of enquiries that can be handled each day with present staff. This factor has to be considered in relation to the uncertainty as to the average number of daily enquiries that might be expected when the Research Facility announces a formal opening to the Bar. Therefore, movement to a full formal opening is being approached in stages. Letters have been sent out to over 1,000 lawyers on the Criminal Legal Aid Panel around the province. As the flow of enquiries gradually increases and the methods of handling them are speeded up, a more educated guess can be made as to the number of enquiries that can be expected, and the number that can be handled. It is expected that the Research Facility will be ready for a formal opening by the fall or within the next few months.

(c) SPECIAL PROJECTS – MENTOR PROGRAM

The Special Projects Co-ordinator informed the Committee that the Mentor Program wherein senior counsel will have assigned to them junior counsel with whom they can meet and consult from time to time will be formally launched on Thursday, May 8, 1980, and that junior counsel will be put in touch with their mentors within a week of that date.

NEW LEGAL AID AREA 47

At the March Convocation a new Legal Aid Area No. 47 was approved within the Regional Municipality of York. A new judicial district with Newmarket as the county town is being created. Area No. 47 will bear the same name as the judicial district when it is established.

Convocation approved that the Area Director of York County will be Area Director at Newmarket and that his function will be carried out by a member of the York County staff who will visit Newmarket approximately twice weekly.

The Legal Aid Committee approved the appointment of *Alan Bernard Mervin,* solicitor, as Deputy Director to carry out the administrative responsibilities for the York County Area Director for Area No. 47 when that area comes into being.

AREA COMMITTEES

(a) APPOINTMENTS

York County

Stephen W. Ireland, solicitor
Anne M. Silverman, solicitor
W. I. C. Binnie, solicitor
Alan J. Lenczner, solicitor
Ronald S. Sleightholm, solicitor
Terence J. Collier, solicitor
Louise I. Barrington-Corres, solicitor
Robert J. Kram, solicitor
Robert G. Schipper, solicitor
Adrian Hill, solicitor
Bernard L. Kay, solicitor
Dianne L. Martin, solicitor
James Belshaw, Executive, Wood Gundy Ltd.
Gregory P. Johnstone, solicitor
John F. Scandiffio, solicitor
Gordon Wolf, Director, Huntley Youth Services
Marlys A. Edwardh, solicitor
L. Gary Stortini, solicitor
Priscilla Platt, solicitor
John Rosen, solicitor
Brian Bhose, Probation Officer
Joseph Bovard, solicitor

Niagara South

William H. Robins, Q.C.
Rev. Canon Peter B. Moore

Waterloo County

Miss Frances Mandin, Regional Social Services

(b) RESIGNATIONS

York County

Mr. Martin Meslin
His Honour Judge Carter
Barbara Carrier

Cochrane District

J. F. Reginald Levesque, solicitor

Niagara North

Mrs. Jean Wilson

Waterloo County

Mrs. Barbara Scodras

THE REPORT WAS ADOPTED

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CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

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The Treasurer and Benchers had as their guest for luncheon Mr. John H. C. Clarry, Q.C.

. . . .

CONVOCATION RESUMED AT 2:30 P.M.

. . . .

PRESENT:

The Treasurer and Messrs. Arthurs, Barr, Bowlby, Cass, Catzman, Chadwick, Chilcott, Farquharson, Ferrier, Furlong, Ground, Henderson, Lamont, Mrs. Legge, Messrs. Lerner, McWilliams, O'Brien, Ogilvie, Pepper, Scace, Shaffer, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wardlaw, White, Willoughby and Yachetti.

. . . .

CLINIC FUNDING REPORTS

Mr. Bowlby also presented two Reports of the Director of Legal Aid, dated 27th March and 2nd April, 1980, with respect to Clinic Funding.

CLINIC FUNDING

The Clinic Funding Committee submitted a report dated 26 March, 1980, to the Director recommending an extension of 1979/80 funds for the months of April and May, 1980.

The following is the recommendation of the Clinic Funding Committee contained in the said Report:

> *Extension of 1979/80 Funds*
>
> As a result of delays in the designation of funds for community clinics for 1980/81, and in order to ensure the continued operation of community clinics pending the approval of funds for the fiscal period 1980/81 by Convocation, the Clinic Funding Committee has approved the extension of funds for the months of April and May, 1980 of the 1979/80 level to community clinics. When funds are approved for 1980/81, appropriate adjustments will be made by the clinic funding staff.

The Director recommended to Convocation that the report of the Clinic Funding Committee dated March 26, 1980, be adopted.

The Clinic Funding Committee submitted a Report dated 2 April, 1980, to the Director recommending clinic funding staff salaries for 1980/81.

The following is the recommendation of the Clinic Funding Committee contained in the said Report:

> *Clinic Funding Staff Salaries*
>
> The Clinic Funding Committee has conferred with the Standing Committee on Salaries of the Legal Aid Committee concerning salaries to be paid to members of the clinic funding staff for the fiscal period 1980/81.
>
> The Clinic Funding Committee is in agreement with the recommendations concerning the clinic funding staff contained in the report of the Standing Committee on Salaries of the Legal Aid Committee.

The Director recommended to Convocation that the Report of the Clinic Funding Committee dated April 2, 1980, be adopted.

THE REPORTS WERE ADOPTED

. . . .

PROFESSIONAL CONDUCT COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Wednesday, 9th April, 1980.

The following members were present: Messrs. Ground (Chairman), Yachetti (Vice-Chairman), Genest (Vice-Chairman), Arthurs, Carnwath, Catzman, Lerner, McWilliams, Strauss, Mrs. Sutherland and Mr. Wardlaw. Mr. Finlayson (Treasurer) attended while the first matter was discussed.

1. The Treasurer, Mr. Ferrier and lawyers with the Official Guardian's office had a meeting in March 1980 to discuss the role of counsel in child representation matters in relation to the Law Society's Rules of Professional Conduct. At the meeting the Treasurer was asked to consider a possible amendment to the Rules to permit counsel to breach confidentiality and apprise the court of matters which counsel perceives to be in the best interests of the child. The Treasurer referred the matter to this Committee and recommended that a Sub-Committee be appointed to consider and report as to the role of counsel in representing minors in all types of proceedings before the courts.

The Committee appointed a Sub-Committee on Representation of the Child composed of Professor Arthurs (Chairman), Mr. Yachetti, Mrs. Sutherland and Mr. Lerner.

2. Mr. Binstock, the Registrar of the Real Estate and Business Brokers Act, wrote to the Society regarding a practice that has developed whereby lawyers charge real estate brokers a "fee for consultation" which is directly related to the commission received by the broker and which is often dependent upon the transaction closing. Apparently what occurs is the lawyer who has a client with property that he wishes to sell approaches a real estate broker with a proposition that he may get the listing if the lawyer obtains, by way of consultation fee, a share of the commission payable. The practice may also occur where the lawyer's client is a prospective purchaser and the lawyer charges a "consultation fee" to the broker he approaches who finds his client the property he wants. The client may or may not be aware of the lawyer's financial interest in seeing the transaction completed.

The Committee is of the view that it is highly improper for a lawyer to negotiate for and receive these payments from realtors. Any fee for consultation must be for legal services performed for a client and must not be dependent upon the successful completion of a transaction. The Committee recommended that the Committee's view on the issue be mentioned in the next Communiqué.

3. A lawyer wrote to a member of the Committee concerning the question of whether there is any conflict of interest where a person has both a medical and a legal degree for that person to represent a party in a personal injury action and also have the party as a patient.

The Committee is of the opinion that the lawyer should never assume both roles in a particular matter and that would include having a partner or associate assume one of those roles in the matter.

4. The Errors and Omissions Bulletin No. 2 pointed out that the refusal of members to disclose the contents of a file relating to a claim may lead to complications in the litigation and insurance aspects of the matter. One member wrote to the Society enquiring as to how he could meet his obligation to co-operate with insurers and adjusters without violating the member's obligation to keep confidential client's affairs.

The Committee instructed the Secretary to write the member and inform him that it is the Committee's view that Rule 4, Commentary 10 of the Rules of Professional Conduct, answers his enquiry. According to that rule disclosure by the lawyer may be justified in order to defend himself against any allegation of malpractice but only to the extent necessary for such purposes.

5. A number of other matters were considered with the appropriate instructions being issued in each instance.

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE–
Mr. Farquharson

Mr. G. H. T. Farquharson, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Wednesday, 9th April, 1980.

The following members were present: Messrs. Willoughby (Vice-Chairman in the chair), Lerner, Mrs. Tait, Mr. Yachetti, Miss A. R. McCormick, Messrs. D. V. Burnett and G. Howell.

GREAT LIBRARY

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

GIFTS AND DONATIONS

The following donation has been received by the Great Library:

Basil V. Orsini, Toronto	Commercial arbitration procedures - Canada (n.p., 1979)

AMERICAN ASSOCIATION OF LAW LIBRARIES

The Annual Convention of American Association of Law Libraries will take place in St. Louis, Missouri from June 22 — 25, 1980. The Committee recommended that the Chief Librarian and three assistant librarians (for this year only) attend this meeting, one of whom will be Mr. Howell.

COUNTY AND DISTRICT LAW LIBRARIES

APPLICATION TO THE LAW FOUNDATION OF ONTARIO

The Secretary reported that the Law Society requested a grant of $340,285 from The Law Foundation of Ontario for the period July 1st to December 31st, 1980. The Trustees of The Law Foundation of Ontario approved a grant to the Law Society of $300,000 for the calendar year 1980 to be paid to the Law Society from time to time at the request of the Society's Libraries and Reporting Committee. The Committee recommended that the Law Society make a request to The Law Foundation of Ontario for payment of the total amount of the grant, namely, $300,000. The Committee also recommended that after deducting administration costs of $69,616, the balance of the Law Foundation grant be distributed in accordance with a schedule which had been prepared using the formula previously used for distribution of grants.

ANNUAL GRANTS

The Associations listed below have sent in their annual returns for the year 1979. The amounts of the grants which they should receive under the Regulations for 1980 and those which they received in 1979 are as follows:

	1979	*1980*
Algoma	$1,000.00	$2,000.00
Durham	2,000.00	2,000.00
Haldimand	865.00	1,285.00
Kent	2,000.00	2,000.00
Leeds & Grenville	1,390.00	1,495.00
Sudbury	2,000.00	2,000.00
Temiskaming	830.00	830.00
Waterloo	2,000.00	2,000.00
York	3,500.00	3,500.00

Approved, subject to the approval of the Finance Committee.

THE REPORT WAS ADOPTED

. . . .

PRACTICE AND INSURANCE COMMITTEE—Mr. Brulé

Mr. J. R. Barr, Vice-Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Wednesday, 9th April, 1980.

The following members were present: Messrs. Brulé (Chairman), Barr, Doran, Mrs. Legge and Mr. Wardlaw. Mr. Hargraft and Mr. Maltman were present at the Chairman's request.

ADJUSTERS' FEES

Lists of fees paid in March, 1980, to adjusters under the old Fund, the 1977 Fund, the 1978 Fund and the 1979 Fund were before the Committee.

Approved

COUNSEL FEES

Lists of fees paid to Counsel during March, 1980, were before the Committee.

Approved

MONTHLY REPORT

Mr. Hargraft's monthly report was before the Committee.

Noted

DEDUCTIBLES TO BE WRITTEN OFF

A list of uncollectible deductibles was attached to the monthly report. Mr. Hargraft suggested that he be authorized to write off these amounts.

The Committee will ask the Discipline Committee to issue complaints under Rule 14(5) against members whose deductibles have remained unpaid for over twelve months.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON THE LIMITATIONS ACT

Mr. J. R. Barr, Chairman, presented the Report of the Special Committee on The Limitations Act dated 18th April, 1980.

The Special Committee consisting of J. Roderick Barr, Chairman, and Messrs. Catzman and Doran was appointed by Convocation in February of this year to consider the proposed Limitations Act which is expected to be put forward for enactment at the current session of the Legislature.

The Discussion Paper published by the Ministry of the Attorney General respecting the proposed Act identifies six problems in Ontario's present legislation which the proposed statute is designed to correct:

1. The present limitation periods are inappropriate to modern conditions;
2. There are difficulties with regard to the time at which limitation periods begin to run, and with respect to the extension of time;

3. There are far too many special limitation periods;
4. Some of the language in the present statute is archaic;
5. Only some provisions of the present statute apply to the Crown;
6. Under current land transaction procedure and land use, there appears to be little need to provide for the creation of easements and profits-a-prendre by prescription.

The Committee has considered the draft Act only as it affects actions against lawyers in their professional capacity, understanding that it is not the function of the Society to comment on matters of general legislation as they might affect the public.

The Committee gave particular thought to certain sections which raise difficult questions, for example,

> "3(1) The following actions shall not be brought after the expiration of two years after the date on which the right to do so arose,
>
> (a) an action for damages in respect of injury to person or property, including economic loss arising therefrom whether based on contract, tort, or statutory duty;"

It is not clear what the words "*the right to do so*" mean.

Subsection 5 of Section 3 reads in part:

> " (5) Without limiting the generality of subsection 4 and notwithstanding subsections 1 and 3, the following actions shall not be brought after the expiration of six years after the date on which right to do so arose,
>
> . . .
>
> (e) an action to realize on a foreign judgment."

The limitation provided by Section 3(2)(f) for an action on a judgment for the payment of money or the return of personal property is ten years. The Committee could not see the reason for the shorter period for an action on a foreign judgment.

In addition, since the ten year limitation would apply to action by way of execution, the Committee sees no social reason for shortening what is now a twenty year period. This would also apply to foreign judgments.

One of the most difficult provisions of the draft legislation occurs in Section 3, subsection 8, which reads:

> " (8) In actions that are based on the breach of a duty to take care, whether the duty arises in tort, contract or by statute, time, for the purposes of this Act, runs from the occurrence of the damage, but in all other cases the common law rules respecting the accrual of causes of action apply as though this Act had not been passed."

The difficulty here is with what has been called a hidden cause of action, for example, when a Will is drafted negligently but the negligence does not come to light until the death of the testator which may occur many years after the Will was drafted. Or to give another example, a defect in title to real property might be overlooked by the solicitor for the purchaser and not be discovered until the property is sold years afterward. The question relates to the meaning of the words "the occurrence of the damage". On this point the Committee had the advantage of reading a letter addressed by the Attorney General in July of 1979 to the Secretary of the Committee on Medical Care and Practice of the Ontario Medical Association. Referring to subsection 8 of Section 3 the Attorney General's letter contains the following:

> "There is no doubt that there are cases where the damage may occur much later than the treatment. For example, in the case of a negligently performed tubal ligation, the damage does not occur until the patient becomes pregnant at some later date. Thus, from a doctor's point of view, there would be some difficulty in determining when medical treatment administered could no longer give rise to liability. Subsections 3 and 4 of section 6 would also apply to actions brought against doctors. The effect of these subsections is that time is postponed and does not commence to run until a plaintiff knows, or ought to know, all the facts upon which his action is based. You will note that these provisions are similar to s. 18 of The Health Disciplines Act which currently governs actions against medical practitioners."

The Committee also questioned the effect of certain subsections of Section 6:

> " (3) Subsection 4 applies only to actions,
>
> . . .
>
> (c) for professional negligence;
>
> . . .
>
> (4) The running of time with respect to the limitation period fixed by this Act for an action to which this subsection applies is postponed and does not commence to run against a plaintiff until he knows, or in all the circumstances of the case, he ought to know,
>
> (a) the identity of the defendant; and
>
> (b) the facts upon which his action is founded."

What exactly is the meaning of the identity of the defendant in that subsection? What would constitute adequate identification? Where an additional defendant became known at a later date, would the same limitation apply as to a defendant previously identified? In subsection (b) would the running of time be delayed so long as any fact remains unknown? How can it be determined whether "the facts upon which his action is founded" are known?

The Committee had been informed that though the proposed Limitations Act had been in existence since 1977, it is now considered by the Ministry to be a matter of some urgency and is to be introduced at the current session of the Legislature. In the circumstances, it was felt that there was no time to report in a preliminary way to Convocation and that it would be better if the questions the Committee had raised were discussed immediately with a representative of the Ministry of the Attorney General. The Committee was fortunate in being able to meet with Mr. Craig Perkins, a lawyer in that Ministry, who has been involved in the development of the draft. Mr. Perkins attended a meeting of the Committee on 9th April. He agreed that the subsections dealt with in this report posed certain problems but neither he nor members of the Committee were able to suggest effective solutions to them. It was his view, however, that the problems identified in Section 6 subsection 4 would be handled in a practical way and not construed technically.

The Committee discussed with Mr. Perkins the larger problem that although the proposed statute represents a welcome simplification of the multiplicity of limitation periods, it would not, as it is drafted, touch the limitations that appear in so many other provincial statutes. The Committee urged upon Mr. Perkins, and he agreed to put forward to the Minister, that a section be added to the proposed Limitations Act to make the Act apply to all actions except those to which reference appears in a schedule to the Act. The purpose of this section would be to bring together into one place a reference to all limitation periods in effect so that lawyers could consult the new Act and its schedule in the assurance that the only effective limitation periods would be those prescribed by the Act or referred to in the schedule. The Committee considered this to be a matter of great importance as evidenced by the number of claims made against members of the profession arising out of missed limitation periods.

The Committee appreciates that limitation laws are necessarily arbitrary and inherently unfair but necessary to the orderly conduct of human affairs. It cannot be expected that there will be complete agreement upon the appropriate length of a limitation period and the search for some universal rule would clearly be futile. The Committee generally agrees with the limitation of two years for actions against lawyers for negligence.

With respect to prescriptive rights to land, the Committee is of the view that the Section (16) which abolishes prescriptive rights should be deleted because until a land titles system is universal or the Polaris programme is complete, it will still be necessary in some instances to rely upon prescriptive rights. The Committee discussed this aspect of the draft Act with Mr. Perkins who said that the provisions were already being reconsidered with a view to resolving this problem.

THE REPORT WAS RECEIVED

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INTEREST ON TRUST ACCOUNTS
THE LAW FOUNDATION OF ONTARIO
THE LAW SOCIETY OF UPPER CANADA

Mr. Stuart Thom, Chairman of The Law Foundation of Ontario, reported that The Bank of Nova Scotia had joined the four other major banks in paying higher interest rates on mixed trust accounts.

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CONVOCATION ROSE AT 3:30 P.M.

....

Confirmed in Convocation 16th May, 1980.

G. D. FINLAYSON
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Wednesday, 7th May, 1980
11:30 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Carnwath, Carthy, Cooper, Ground, Lamont, Mrs. Legge, Mr. Pepper, Mesdames Sutherland and Tait.

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LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the Legal Education Committee of its meeting on Wednesday, 7th May, 1980.

The following members were present: Mr. J. J. Carthy, Chairman, Messrs. Doran, Ground, Lamont and Thom.

21ST BAR ADMISSION COURSE RESULTS OF SUPPLEMENTAL AND SPECIAL EXAMINATIONS

The Supplemental and special examinations in the 21st Bar Admission Course were written during the weeks commencing Monday, March 24th and Monday, March 31st, 1980. Twenty-eight candidates each wrote one, two or three supplemental examinations making a total of forty-five papers so written. Nine candidates each wrote one, two or three special examinations making a total of fourteen papers so written. One candidate wrote one supplemental examination and three special examinations and one candidate wrote two supplemental examinations and two special examinations. All candidates who wrote special examinations successfully completed the Bar Admission Course and twenty-one candidates who wrote supplemental examinations successfully completed the Bar Admission Course and seven candidates who wrote supplemental examinations failed the Bar Admission Crouse. The candidate who wrote one supplemental examination and three special examinations passed all four papers and successfully completed the Course. The candidate who wrote two supplemental examinations and two special examinations passed only the two special examinations and failed the Course. The marks of one candidate who wrote all regular examinations were held in abeyance pending proceedings before the Discipline Committee. That candidate was found to have successfully completed the Bar Admission Course. A list showing the names of the thirty-two candidates who have been found to have successfully completed the Bar Admission Course and the names of the eight candidates who failed the Bar Admission Course after writing supplemental examinations was before the Committee.

Approved

THE REPORT WAS ADOPTED

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ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Wednesday, 7th May, 1980.

The Committee met at 11:15 a.m. on Wednesday 7th May 1980, the following members being present: Mrs. L. L.. Legge (Chairman), Mr. A. Cooper (Vice-Chairman), Messrs. Carthy, Finlayson, Ground, Lamont, Pepper, and Mrs. Sutherland.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

A list of 32 candidates who have successfully completed the Twenty-first Bar Admission Course was before the Committee. The candidates each filed the necessary documents, paid the required fee of $210 and applied for Call to the Bar and to be granted Certificates of Fitness.

Approved

THE REPORT WAS ADOPTED

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CONVOCATION ADJOURNED FOR LUNCHEON AT 11:40 A.M.

....

The Treasurer and Benchers had as their guests for luncheon in the Benchers Dining Room at Osgoode Hall The Honourable Gregory T. Evans, Chief Justice of the High Court of Justice for Ontario; Mr. G. W. Collins-Williams, Q.C., Director of Legal Education; and Mrs. E. Rachael Knox, Assistant Director, Bar Admission Course.

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Following luncheon, the Treasurer, the Benchers and their guests proceeded to Convocation Hall for the Call to the Bar Ceremonies of the 32 graduates of the Twenty-first Bar Admission Course who had applied to be called on Wednesday, 7th May, 1980.

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CONVOCATION RESUMED AT 2:00 P.M.

....

PRESENT:

The Treasurer and Messrs. Bowlby, Carnwath, Carter, Carthy, Cooper, Doran, Ground, Lamont, Mrs. Legge, Messrs. McWilliams, Ogilvie, Pepper, Mesdames Sutherland and Tait, Messrs. Thom and Yachetti.

The body of Convocation Hall was occupied by the 32 candidates, their families and friends.

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ADDRESS

The Treasurer addressed the graduates.

....

PRESENTATION OF APPOINTMENT

Mr. G. W. Collins-Williams, Director of Legal Education, presented the recipient of an appointment to the Treasurer.

The Treasurer congratulated the following who had been given a special appointment:

A Law Clerk to The Honourable Gregory T. Evans, Chief Justice of the High Court of Justice for Ontario:

Carol Patricia Tennenhouse

....

CALL TO THE BAR

Mrs. L. L. Legge, Chairman of the Admissions Committee, presented to the Treasurer the 32 candidates for Call to the Bar as follows:

TWENTY–FIRST BAR ADMISSION COURSE 1979-80

CANDIDATES FOR CALL TO THE BAR
ON WEDNESDAY, 7TH MAY, 1980

Robert Paul Adourian
Patricia Frances Catherine Ashby
Joseph Roland Henri Aubé
James Garnet Battin
Donald Thomas Hungerford Bell
Michael Joseph Callahan
Nancy Elizabeth Coll
John Cvetkovic
Daniel Kenneth Daley
Anthony James Donaldson
Robert Paul Flynn
Isabel Greer Gibson
William Robert Clarence Harvey
Edward Alfred Heakes
Thomas William Hogarth
Paul William Jeffries
Robert Guy Julien
Rocco Carmen Lofranco
Robert Henderson Macdonald
Stephen Howard Marcus
Pamela Margaret McCurry
Desmond Eamon McGarry
Seymour Ian Mender
Marguerite Patricia Mooney
Thomas Duncan Musgrave
Paul Charles Nesseth
Samy Ouanounou
Firoz Gulamali Salehmohamed
Carol Patricia Tennenhouse
Elaine Marion Vacheresse
Yvon Vanasse
Daniel Louis Winbaum

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of The Law Society of Upper Canada.

. . . .

CONVOCATION ROSE AT 2:20 P.M.

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Following Convocation a Special Sitting of The Supreme Court of Ontario was convened in Convocation Hall with The Honourable Gregory T. Evans, Chief Justice of the High Court of Justice for Ontario, presiding.

Mrs. Legge presented the candidates to the Chief Justice of the High Court, before whom they took the usual oaths and acknowledged their signatures on the Rolls in the presence of the Court.

The Chief Justice of the High Court then addressed the new Barristers.

. . . .

At the conclusion of the formal proceedings the new Barristers, their families and friends were entertained by the Treasurer and Benchers at a reception in Convocation Hall.

. . . .

Confirmed in Convocation 16th May, 1980.

G. D. FINLAYSON

Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 16th May, 1980
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson and after his election Mr. John D. Bowlby) and Messrs. Affleck, Arthurs, Brulé, Bynoe, Carter, Carnwath, Carthy, Cass, Catzman, Chadwick, Cooper, Doran, Farquharson, Fennell, Ferrier, Furlong, Genest, Humphrey, Lamont, Mrs. Legge, Messrs. Lerner, Lochead, Maloney, McWilliams, O'Brien, Ogilvie, Outerbridge, Pepper, Robinette, Scace, Shaffer, Shibley, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wardlaw, White and Yachetti.

....

MINUTES

The Minutes of Special Convocation for Call to the Bar of 10th, 11th, 14th and 16th April, of Convocation of 18th April, and of Special Convocation for Call to the Bar of 7th May, 1980 were confirmed.

....

ELECTION OF TREASURER

The Secretary informed Convocation of the results of the balloting, namely, that Mr. *John D. Bowlby,* Q.C., of Hamilton had been elected Treasurer for the ensuing year.

Mr. Finlayson withdrew from Convocation and Mr. Bowlby took the chair.

On assuming the position of Treasurer, Mr. Bowlby stated that he was fully aware of the trust which the Benchers had placed in him and assured them that to the best of his ability he would work to discharge such trust.

....

TRANSLATION INTO FRENCH OF THE NAME OF THE SOCIETY

On 21st March, 1980, Convocation had before it a motion that the French translation of the Society's name be "La Société des Avocats du Haut Canada". The vote on the motion was deferred pending that name appearing in the Communiqué.

On 18th April, 1980, the matter was again before Convocation, the name "La Société des Avocats du Haut Canada" having appeared in Communiqué No. 97. Three motions were placed before Convocation and it was directed by Convocation that these stand for one month.

The motions were again placed before Convocation, two of them with slight amendment of the wording.

It was moved, seconded and *lost* that the name of the Society not be translated.

It was moved, seconded and *carried* that the French translation of the Society's name be "La Société du Barreau du Haut Canada".

It was moved and seconded but *not put* that the French translation of the Society's name be "La Société des Avocats du Haut Canada".

....

ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 8th May, 1980.

The following members were present: Mrs. L. L. Legge (Chairman), Messrs. Carthy, Cass, Catzman, Chilcott, Ferrier, Ground, Lamont, Pepper, Scace, and Mrs. Sutherland.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

The following candidate, having successfully completed the Twenty-first Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for Call to the Bar and to be granted a Certificate of Fitness:

Lynn Smolkin-Kauffman

Call to the Bar for an Occasional Appearance

At its meeting on 13th March, 1980, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearance in Ontario of lawyers from other Provinces" and that upon giving the necessary undertakings, they be called to the Bar and admitted as Solicitors:

Michael Thomas Green	Province of Manitoba
Edward Alan Douglas McInnes	Province of Manitoba

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further total of 10 candidates having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1979.

Approved

DIRECT TRANSFER FROM QUEBEC

The Committee considered the application to transfer to practice in Ontario of a Quebec notary who had been commissioned and sworn as a notary for that province in 1958 and who has practised continuously as a notary in Quebec from that time to the present. The applicant presented a Certificate of Good Standing and sought to proceed under Regulation 4(2).

Before the Committee was a description of the work done by Quebec Notaries taken from the Canadian Law List 1979; a transcript from the Minutes of Convocation of 16th November, 1973 where the recommendation that practice as a Notary in the Province of Quebec be accepted as satisfying the requirements of Regulation 4(2)(a) was adopted; and a transcript from the Minutes of Convocation of 20th September, 1974 where the recommendation that the application of a Notary in the Province of Quebec be approved under Regulation 4(2) was adopted.

Approved

COMMON LAW EXAMINATION

An applicant who had been given permission to proceed under Regulation 4(2) in January wrote the comprehensive examination on the common law at the end of that month and failed. The Committee ruled in June 1979 that candidates who fail in their first attempt and who are permitted to write a second time must write the next examination. The next sitting is on 29th May and 5th June, 1980. The candidate asked if he may be excused from writing then and write at the sitting in September because he has to supervise and organize the relocation of his Division from Montreal to Toronto in early June as well as relocate his family.

Approved

OCCASIONAL APPEARANCE

James Hilton Cook of the Province of Manitoba applied to proceed under Section 10 of the Regulation, "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *West Arthur Place Limited vs. Smith Carter Partners et al.* commenced in the Supreme Court of Ontario in the District of Rainy River. He was retained by a Winnipeg firm of architects in April 1978.

He was granted permission once before in March 1979 to appear in the case of *Lakehead University vs. Midway Roofing and Supply Ltd.*, acting on behalf of Midway Roofing and Supply Ltd. He had requested an occasional call in this instance because the person acting for Midway Roofing and Supply retired from the practice of law and Mr. Cook had substantial knowledge of the voluminous documentation. This case did not go to trial and Mr. Cook resigned his membership in February 1980.

A Certificate of Good Standing respecting Mr. Cook and his letter requesting a further call to the Bar in Ontario were before the Committee.

Approved

PETITIONS

A petitioner, who had sought permission from the Committee in January to enter the Bar Admission Course and was advised that she did not comply with the Society's requirements in that she lacked the stipulated year of non-legal education in addition to C.E.G.E.P. qualifications, informed the Committee that she would like to do a further year of non-legal education and sought permission to enter the Bar Admission Course upon completing it.

The Committee recommended that the petitioner be advised that if she successfully completes one year of a full-time prescribed non-legal university course, she will be taken to have acquired the educational qualifications for admission to the Bar Admission Course.

A petitioner who had failed to file the requisite application for student membership because she did not have the required fee when she commenced her period of articling in May 1979, submitted all the necessary documents, the admission fee and a fine for late filing and requested permission for late filing. A similar petition was made to the Legal Education Committee.

The Committee approved the request for late filing.

THE REPORT WAS ADOPTED

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Mrs. Legge presented the Report of the Admissions Committee of its meeting on Friday, 16th May, 1980, prior to Convocation.

The following members were present: Mrs. Legge (Chairman), Messrs. Carthy, Catzman and White.

OCCASIONAL APPEARANCE

Jean Francois Louis Martin Bédard of the Province of Quebec applied to proceed under Section 10 of the Regulation, “Occasional Appearances in Ontario of lawyers from other Provinces”, in the case of *Regina vs. Richard Thibault*. Mr. Bédard complied with the requirements of Section 10 and presented a Certificate of Good Standing. He wished to be called at the May Convocation.

Harvey Irvin Pollock of the Province of Manitoba applied to proceed under Section 10 of the Regulation, “Occasional Appearances in Ontario of lawyers from other Provinces”, in the case of *Loveday vs. Swinkels and Loveday*. Mr. Pollock complied with the requirements of Section 10 and presented a Certificate of Good Standing. He wished to be called at the May

Convocation.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

At its meeting on 8th May, 1980, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation, "Occasional Appearances in Ontario of lawyers from other Provinces", and that upon giving the necessary undertakings, he be called to the Bar and admitted as a solicitor:

James Hilton Cook	Province of Manitoba

At its meeting on 16th May, 1980 the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation, "Occasional Appearances in Ontario of lawyers from other Provinces", and that upon giving the necessary undertakings, they be called to the Bar and admitted as Solicitors:

Jean François Louis Martin Bédard	Province of Quebec
Harvey Irvin Pollock	Province of Manitoba

Approved

THE REPORT WAS ADOPTED

. . . .

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Lynn Smolkin-Kauffman
Michael Thomas Green
Edward Alan Douglas McInnes
James Hilton Cook
Harvey Irvin Pollock
Jean François Louis Bédard

. . . .

LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 8th May, 1980.

The following members were present: Mr. J. J. Carthy, Chairman, Messrs. Arthurs, Barr, Brulé, Catzman, Doran, Ferrier, Finlayson, Ground, Lamont, Lerner, Scace, Mrs. R. M. Tait, Messrs. Thom and Wardlaw.

BAR ADMISSION COURSE TIMETABLE FOR THE TEACHING TERM OF THE 22ND BAR ADMISSION COURSE

A proposed timetable for the teaching term of the 22nd Bar Admission Course commencing Monday, September 8th, 1980 was before the Committee for consideration, subject to change in the discretion of the Chairman to accommodate Jewish holidays.

Approved

REPORT OF THE PROFESSIONAL ORGANIZATIONS COMMITTEE

The Chairman prepared a memorandum of excerpts from the report of the Professional Organizations Committee dealing with the findings and recommendations of that Committee as they relate to the Bar Admission Course and Continuing Legal Education, which was circulated to the members of the Committee for study. The memorandum was before the Committee for consideration and such recommendations as the Committee may wish to make.

The Committee debated at length the impact of the report of the Professional Organizations Committee on legal education. This debate will be continued at the next meeting of the Committee and thereafter the Committee will report directly to the Society's Special Liaison Committee with the Professional Organizations Committee.

LEGAL EDUCATION – PROPOSAL FOR PUBLICATION OF INFORMATION

A recent graduate of the Bar Admission Course wrote to Mrs. Laura Legge proposing that the Law Society should publicize information concerning the various steps in legal education and that this information should be made available to students at the beginning of the legal education process. The letter, dated April 9th, 1980, was before the Committee.

The above proposal was considered and will be subsumed in the debate concerning the report of the Professional Organizations Committee.

SPECIAL PETITIONS

The Committee had before it 15 petitions for its consideration. One petitioner with C.E.G.E.P. qualifications who lacked the requisite one year of non-legal education requested permission to fulfil the stipulated year of non-legal education in order to be admitted as a student member of the Society, and submitted a similar petition to the Admissions Committee. It was recommended that no action be taken on this petition by reason of its disposition by the Admissions Committee.

Five students who had failed the 21st Bar Admission Course filed petitions by way of appeal from such failure. The Committee recommended that all 5 petitions be referred to the sittings of the Committee established to consider appeals from failure in the Course.

A petitioner who had received permission in April 1979 to defer entry into the teaching term of the Bar Admission Course for one year to accompany her husband to Edmonton, Alberta, where he was employed, requested a further deferment to September, 1981, stating that she expected to be called to the Bar of Alberta in July 1980. The Committee recommended that this petition be denied and that the petitioner be advised that if and when she decides to return to Ontario she may again apply and her petition will be dealt with on the circumstances which then exist.

Three petitioners each sought permission to defer entry into the teaching term of the Bar Admission Course for one year until September 1981. One had applied to attend the London School of Economics and Political Science to take a Master of Law Degree in Public International Law and if he is not accepted in that programme, will attend a one year Development Town Programme in Israel. The latter programme consists of a three month intensive language and culture programme and nine months of working in a development community. The second had been accepted into Queen's College at the University of Cambridge to do a year of graduate studies in international law. The third will be married in September to a second-year law student at the University of Windsor and wishes to live in Windsor with her husband. The Committee approved these three petitions.

One petitioner sought an extension of the five-year limit under Section 26(4a) and permission to enter the Bar Admission Course. He was called to the Bar of New Brunswick in June 1975, and engaged in practice in that province until January 1977, when he was employed as a lawyer in the law department of Sun Life Assurance Company of Canada in Montreal. In August the petitioner will be transferred by Sun Life to its Toronto offices. He intends to sign articles of clerkship and apply for entry into the articling term of the 1980 Bar Admission Course. This petition was approved.

One petitioner sought permission to vary the articling requirement and an extension of the five year limit under Section 26(4a). This petitioner had received her LL.B. degree from Dalhousie University in 1976, had articled with the Legislative Counsel and the Public Trustee of Nova Scotia and was called to the Bar of Nova Scotia in March 1977, following which she worked for three months for the Legislative Counsel of Nova Scotia. She did not practise from June 1977 to June 1978. On 26th June, 1978, she entered into articles in Ontario and was admitted to the Bar Admission Course, but she terminated her articles and withdrew from the Course in November 1978. During the first six months of 1979 she worked as a research assistant in the Office of the Prime Minister in Ottawa. From September 1979 to the present she has practised with a law firm in Nova Scotia. She intends to commence articling in Toronto on 2nd June, 1979, and asked that the articling requirement be modified to permit her to serve less than twelve consecutive months and that she be permitted to complete the Bar Admission Course within the six year period commencing with graduation from law school. The Committee recommended that this petition be denied.

One petitioner sought permission to vary the articling requirement. This petitioner had entered into articles of clerkship on 5th May, 1980, and expected to receive his LL.B. degree from Queen's University later in May. He was admitted as a solicitor in Jamaica in 1968, as an attorney-at-law there in 1971 and as a solicitor in England in May 1979. From 1968 to 1977 he practised law in Jamaica and from 1977 to 1979 he worked as a clerk with two legal firms in Ontario. During the academic year 1979/80 he studied at the Faculty of Law of Queen's University in a one year programme pursuant to a recommendation of the Joint Committee on Foreign Accreditation. He asked to be exempted from the requirement of articling or, in the alternative, that the articling term be reduced to three months to enable him to enter the teaching term of the Bar Admission Course in September 1980. The

Committee approved the request that the articling term be reduced to three months.

A petitioner, who had a similar petition before the Admissions Committee, presented articles of clerkship, with affidavit of execution, an application for admission and all other requisite documents, together with the admission fee and a late filing fee, and asked to be admitted as a student member and that her service under articles be deemed to have commenced on 1st June, 1979. The Committee approved the petition.

Finally, a petitioner who had commenced service under articles on 1st July, 1979, terminated such service under articles on 14th March, 1980. She requested permission to withdraw from the articling term of the 22nd Bar Admission Course for personal reasons. The petition was approved.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Education for the period from 1st July, 1979 to 30th April, 1980; and reviewed a summary of the Continuing Education programmes presented in April 1980 and the Continuing Education publications report for the month of April 1980.

THE REPORT WAS ADOPTED

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FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 8th May, 1980.

The following members were present: Messrs. Pepper (Chairman), Scace (Vice-Chairman), Brulé, Chilcott, Farquharson, Ogilvie, Shaffer, Tebbutt.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointment to Judicial Office and their membership in the Society will be placed in abeyance upon their assuming office:

Michael Henry Caney Toronto	Called – 21 March 1969 Appointed Provincial Judge, Family Division, Judicial District of York – 14 April 1980
Joseph Fernand Reginald Levesque Timmins	Called – 24 March 1972 Appointed Provincial Judge, Crininal Division, Counties of Prescott & Russell – 24 March 1980

Deaths

The following members have died:

William Henry Furlong, Q.C. Windsor (Life Member)	Called – 23 September 1914 Died – 2 April 1980
John Chester Smith, Q.C. Fort Frances	Called – 21 June 1951 Died – 16 March 1980
Harry Borden Ibsen, Q.C. Willowdale	Called – 19 November 1953 Died – 20 April 1980
Henry Smith Robinson, Q.C. Hamilton (Life Member)	Called – 22 September 1914 Died – 16 April 1980
Thomas Reginald Deacon, Q.C. Toronto (Life Member)	Called – 21 June 1923 Died – 30 April 1980
Jarvis Laurier McComber, Q.C. Thunder Bay (Life Member)	Called – 15 June 1922 Died – 25 April 1980

Disbarment

The following member has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Society:

Robert Emmet Desormeau Orillia	Called – 26 March 1965 Disbarred – Convocation 18 April 1980

Noted

MEMBERSHIP UNDER RULE 50

Retired Member

The following member who is sixty-five years of age and fully retired from the practice of law, requested permission to continue his membership in the Society without payment of annual fees:

Frederick Allan Evis	Toronto

Approved

CHANGE OF NAME

The following members requested that their names be changed on the rolls of the Society and submitted the required documentation in support:

From	*To*
Ricki Denise Cott	Ricki Denise *Harris* (Married Name)
Deborah Kristin Goodwin	Deborah Kristin *Livingstone* (Maiden Name)
Barbara Warner	Barbara Warner *Holmes* (Married Name)

Approved

ARREARS OF ERRORS AND OMISSIONS INSURANCE LEVY

Under Section 36 of The Law Society Act, a member who fails to pay any fee or levy to the Society within four months of the due date is liable for suspension. The Errors and Omissions Insurance Levy for 1980 was due on 1 January, 1980 and notices were mailed in December 1979. Two reminders were sent to members who failed to pay or submit an application for exemption.

The Committee recommended that the rights and privileges of those members who are still in arrears on 2nd June, 1980 be suspended as of that date. *(See motion, p. 266-7.)*

SUB–COMMITTEE ON SALARIES

The report of the Sub-Committee on salaries was before the Committee.

Approved

STAFF CHANGES

Audit Department

Following the approval by Convocation on 13 March, 1980 of the hiring of six Examiners to conduct audit work, the following have been hired:

	Starting Date
Mrs. Patricia Lancaster	May 20, 1980
Mrs. Connie Hood	May 5, 1980
Mr. Michael Shepherdson	May 5, 1980
Miss Donna McLean	May 5, 1980
Miss Susan Pratt	May 5, 1980
Mrs. Elizabeth Presley-Jackson	May 5, 1980

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing those law associations which had sent in their Annual Returns for 1979 and setting out the amounts of the grants to which they appeared to be entitled under the Regulation in 1979 and 1980. The Libraries and Reporting Committee approved these grants at its meeting on 8th May, 1980, subject to the approval of this Committee.

Approved

ARCHITECT'S ACCOUNTS

Mr. Heeney, the Society's Architect, submitted a number of accounts for approval as follows:

1.	*General Maintenance Account 1979* – 52½ hours at $60 per hour	$ 3,150.00
2.	*Advertising and interviewing* applications for the position of Maintenance Engineer	774.64
3.	*Reviewing Fire Alarm System*	1,843.00
4.	*Supervising various contracts* (including fence) – 10% of invoice amounts to –	4,437.80
		$10,205.44

Approved

BUILDING MAINTENANCE

Mr. McLaughlin, Building Superintendent, reviewed the need for preventive maintenance of the building control systems. These systems control temperature, humidity and pressure throughout the building. It is proposed that two contracts be entered into with MCC Powers as follows:

1.	To cover equipment originally supplied and installed by MCC Powers	– $5,400 per annum
2.	To cover equipment originally supplied and installed by Johnson Controls	– $5,342 per annum

Both contracts provide for preventive maintenance plus repair and replacement where required and emergency service. The proposals have been reviewed by H. H. Angus and by Mr. Heeney, who recommend this course of action. Some earlier problems in heating and air conditioning were attributable to improperly maintained control systems.

The Committee was asked to authorize the execution of these contracts by the Secretary and inclusion of the costs in the 1980/81 estimates.

The Committee recommended approval for one year.

The Building Superintendent was instructed to ask Powers to keep a log of their visits to Osgoode Hall.

THE REPORT WAS ADOPTED

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MOTION: ARREARS OF ERRORS AND OMISSIONS INSURANCE LEVY

It was moved, seconded and *carried* that the Barristers and Solicitors who have failed to pay the levy prescribed under Section 53 of The Law Society Act by 2nd June, 1980 and who have not been granted exemption from coverage by that date be suspended from 2nd June, 1980 for a period of one year and from year to year thereafter or until their levies are paid or until they have been granted exemption from coverage.

Of the 146 members whose names were before Convocation on 16th May, 1980, 41 were suspended as of 2nd

June, 1980. Of these 32 were subsequently reinstated and the following are still suspended:

James Walter Bannister	Prince Albert, Saskatchewan
Dan Solomon Denberg	Toronto
* Brian Alan Dunn	Toronto
Bernard Robert Forgang	Aurora
John Raymond Grummett	Toronto
Gordon Bennett Langille	Islington
John Michael Malone	Willowdale
Sidney Gerald Morayniss	Toronto
Henry Leonard Rittersporn, Q.C.	Toronto

**Not Brian Ross Dunn of Messrs. Field, Turner, Dunn & Lynch, Toronto.*

……….

DISCIPLINE COMMITTEE–Mr. Carnwath

GENERAL

Mr. J. D. Carnwath, Chairman, presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 8th May, 1980.

The following members were present: Messrs. Carnwath (Chairman), Ogilvie (Vice-Chairman), Barr, Cass, Cooper, Ruby and Mrs. Sutherland.

COMPENSATION FUND LEVY FOR THE ENSUING YEAR

It was moved in Convocation, seconded and *carried* that consideration of this item stand to the June Convocation.

DEFALCATIONS

Borrowing from Clients

In its February 1980 Report, the Committee recommended that a lawyer, a company in which a lawyer has a substantial or controlling interest and members of that lawyer's firm be prohibited from borrowing money from his client, save where the client is a lending institution, financial institution, insurance company, trust company or any similar corporation whose business is that of lending money to members of the public. It was suggested that this recommendation be referred to the Professional Conduct

Committee for that Committee's opinion. This recommendation was adopted and will be considered by the Professional Conduct Committee at its next meeting.

Investment of Clients' Money by Solicitors

It was moved in Convocation, seconded and *carried* that this item be put over to September for further report from the Committee.

THE REPORT AS AMENDED WAS ADOPTED

. . . .

COMPENSATION FUND SUMMARY

Mr. Noel Ogilvie, Vice-Chairman, presented the Compensation Fund Summary for the period ended 30th April, 1980.

COMPENSATION FUND

For the Period from 1st July, 1979 to 30th April, 1980

(10 months)

TOTAL RECEIPTS	$ 781,504.70
TOTAL DISBURSEMENTS	$ 710,922.12
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 70,582.58
BALANCE OF FUND at beginning of period	$1,558,782.05
BALANCE OF FUND at end of period	$1,629,364.63
CLAIMS RECEIVED and in the course of being processed at end of period	$7,086,196.34

THE SUMMARY WAS RECEIVED

. . . .

LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. B. Chadwick, Vice-Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 7th May, 1980.

The following members were present: John D. Bowlby, Chairman, Messrs. Barnes, Chadwick, Ellis, Mrs. Fleming, Mrs.

Jarmain, Messrs. Jones, Lamb, Linden, Nixon, Ogilvie, Mrs. Smyth, Mrs. Tait and Mr. Yachetti.

REPORT OF THE DEPUTY DIRECTOR

(a) Finance

The Director's report, pursuant to Section 95(2), for the twelve months ended March 31, 1980, shows that payments from the Legal Aid Fund exceeded budget by $209,000. Funds designated for community clinics were underexpended by $125,000, with the results that the remaining payments exceeded budget by $334,000 as follows:

Over budget	$	$
Duty Counsel payments	243,000	
Criminal certificate accounts	23,000	
Legal advice accounts	2,000	
Salaried Duty Counsel programme	15,000	
Student Legal Aid Societies	22,000	
Area Office costs	29,000	
Provincial Office costs	30,000	364,000
Under Budget		
Civil certificate accounts		264,000
		100,000
Add: Expenditures with no budget		
Research Facility	170,000	
Special Projects	64,000	234,000
		334,000

Income from sources other than the Province of Ontario was over budget by $225,000 as follows:

Over budget		
Law Foundation	358,000	
Client contributions	35,000	
Miscellaneous income	54,000	447,000
Under budget		
Costs recovered		222,000
		225,000

The resulting deficit of $109,000 was met by transferring the $125,000 under-expended for community clinics. In total this left an excess of income over expenditure for the year in the amount of $16,000. This amount applied against an opening deficit in the Fund of $81,000 reduced the negative balance to $65,000 at March 31, 1980.

(b) Statistics

The following is a summary of Area Office activity for the fiscal year:

	12 Months ended		*% Change from*
	Mar. 31, 1980	*Mar. 31, 1979*	*last year*
Summary Legal Advice	44,410)		
	)	114,388	– 4.9
Referrals to other agencies	64,358)		
Applications for certificates	118,007	111,539	+ 5.8
Refusals	39,178	35,205	+ 11.3
As a percentage of applications	33.2	32.8	
Certificates issued	83,776	80,742	+ 3.8
Persons assisted by Duty Counsel:			
Fee for service	155,926	149,990	
Salaried Duty Counsel	52,233	34,422	
Total	208,159	184,412	+ 12.9

(c) Write-Offs

George E. Wallace, Q.C., approved the write-offs of the following total of amounts due to the Legal Aid Fund: $6,708.

All of these accounts are at least three years old.

(d) Annual Report of the Director

The Annual Report of the Director for the year ended March 31st, 1980 pursuant to Section 96 of the Regulation, was approved by the Committee.

A copy of the Annual Report was before Convocation.

LEGAL ACCOUNTS

(a) REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	April 1980	*1 Month to April 30, 1980*	*1 Month to April 30, 1979*
Reviews on hand	996		
Reviews received in	119	119	160
	1115		
Settlements reviewed in	166	166	55
Settlements awaiting review at end of	949		
	1115		

Appeals

	February	*March*	*April*
Appeals to Taxing Master received during	1	–	1
Appeals heard by Taxing Master	–	–	2
Appeals pending at the end of the month	6	6	5
Appeals abandoned	–	–	–

Activity

	1980/81 Fiscal Year		*1979/80 Fiscal Year*	
	Month of April 1980	*1 Month to April 1980*	*Month of April 1979*	*1 Month to April 1979*
Accounts on hand at beginning	12454	12454	7273	7273
Accounts received	5657	5657	5574	5574
Total Accounts to be processed	18111	18111	12847	12847
Less: Files cancelled	34	34	32	32
Accounts processed	5984	5984	5103	5103
Balance	12093	12093	7712	7712
In addition to the number of accounts for services completed there were				
Interim Accounts	474	474	245	245
Supplementary Accounts	273	273	253	253
Total	747	747	498	498

(b) NOTES TO REPORT OF THE LEGAL ACCOUNTS OFFICER

Accounts

The Legal Accounts Department received 5,657 accounts in April and processed 5,984, leaving a backlog of 12,093 at the end of the month.

The settlement of criminal accounts is reasonably current and the backlog pertains to the settlement of accounts in civil matters.

In addition to the above figures, the Legal Accounts Department processed 474 interim accounts and 273 supplementary accounts.

Reviews

Attention is now being given to the backlog that has built up in reviews. 166 reviews were completed during the month of April leaving a balance of 949.

One appeal was received during the month of April and two were heard by the Taxing Officer, leaving five yet to be heard. The Taxing Master upheld the settlement of the Legal Accounts Officer in both appeals.

STANDING COMMITTEE RE: SALARIES

A Standing Committee consisting of Noel Ogilvie, Chairman, James B. Chadwick, Lee K. Ferrier, E. A. Goodman, and D. W. Jones, was appointed to review salaries of the senior administrative staff, the senior staff who receive monthly pay cheques in the Provincial Office and in the York County Office, the three Deputy Area Directors and the Area Director for Middlesex, Oxford and Perth counties.

In March, 1980, the report of the said Standing Committee was approved by Convocation. However, the report of the said Committee did not deal with retainers paid to research assistants employed by the Plan in its Research Facility. Therefore, the said Committee met again on May 7th to deal with this outstanding matter after the regularly scheduled May meeting of the Legal Aid Committee.

The Salary Committee approved salaries for the research staff and Noel Ogilvie, Chairman of the said Committee, after consultation with the Chairman of the Legal Aid Committee, was of the opinion that although the recommended salary schedules had not been reviewed by the Legal Aid Committee, nevertheless the said salary increases should be presented to Convocation for its approval in May to expedite the payment of such salary increases.

The Report of the Salary Committee will be given to the Legal Aid Committee for its information at its meeting in June.

The Standing Committee report was before Convocation.

PUBLIC INFORMATION

(a) Legal Aid Pamphlet (Cree/Ojibway)

The Legal Aid Committee approved the request of the Executive Assistant to the Minister of Northern Affairs that the Legal Aid Pamphlet be translated into Cree and Ojibway for distribution through duty counsel and Northern Affairs Offices. The Committee authorized the printing of 5,000 pamphlets. The cost will be approximately $200 per language.

(b) Legal Aid Pamphlet (Ethnic Languages)

Printing the Legal Aid Pamphlet in several ethnic languages was discussed. The Public Information Officer was asked to first distribute the remaining stock of old pamphlets. This will help to better assess the demand for ethnic pamphlets. It was noted that a Plan-financed community clinic, Community Legal Education Ontario, distributes several ethnic pamphlets on a variety of legal subjects and that, perhaps, its program is filling the need.

(c) Pamphlet Display Racks

The Public Information Officer reported that to date 36 pamphlet display racks have been ordered and that a small back-up supply will be maintained for future orders.

(d) Elizabeth Fry Pamphlet

The Elizabeth Fry Society, Toronto Branch, requested that an information pamphlet be enclosed with an edition of the Legal Aid Letter. The Committee recommended that the

Plan should avoid "piggy-backing" material from outside agencies with the Legal Aid Letter. However, the Public Information Officer was instructed in this instance to insert the Elizabeth Fry Society's Information Pamphlet with the next edition of the Legal Aid Letter.

(e) Reprinting Legal Aid Pamphlet

The Public Information Officer was requested to have the English version of the Legal Aid Pamphlet reprinted (perhaps using a different colour) for distribution through Supermarket Information Networks and other outlets. However, the Public Information Officer was requested to renegotiate the cost involved in such distribution (the cost being $7,140).

(f) Info-Place Distribution Centres

The Public Information Officer's request to distribute Legal Aid Pamphlets through information outlets in 33 shopping centres used mainly to sell Lottery tickets was not approved. Such outlets were considered inappropriate for the distribution of Legal Aid brochures.

JOINT COMMITTEE

SPECIAL PROJECTS – MENTOR PROGRAM

The Special Projects Co-ordinator informed the Committee that the Mentor Program wherein senior counsel will have assigned to them junior counsel with whom they can meet and consult from time to time would be formally launched on Thursday, May 8, 1980. Junior counsel will be put in touch with their mentors during the following week. Arthur Maloney, Q.C., and David G. Humphrey, Q.C. are Co-chairmen of the Board of Mentors which is composed of 24 senior members of the criminal bar. To date 125 junior counsel have requested the assistance of such mentors.

A press conference to publicize the Mentor Program was held. A copy of the News Release was before the Committee and Convocation.

INDEPENDENT REPRESENTATION OF THE CHILD

In January, 1979, Convocation had approved the Ministry of the Attorney General's request that the Legal Aid Plan assist in implementing amendments to The Child Welfare Act which provides that where a child is not legally represented in protection proceedings, it is the duty of the court to determine whether representation is desirable to protect the interests of the child. The Ministry requested that the Plan establish panels of lawyers across the province who would, if requested, represent a child in those circumstances where a judge determines that separate legal representation is desirable.

The Plan agreed to maintain panel lists of lawyers in its 46 Area Offices and to facilitate requests from the court seeking counsel for children by contacting counsel on the panel. The counsel will be selected on a rotating basis.

Lawyers on the panel will be paid for their services by the office of the Official Guardian. If special expertise is required in representing a juvenile, the office of the Official Guardian will take responsibility for appointing such counsel.

Correspondence passed between the Official Guardian's office and the Law Society's Continuing Education Department. The Treasurer expressed concern that the Official Guardian in such correspondence purported to restrict representation of children to a particular class of lawyer. The Treasurer questioned the legal basis upon which the Official Guardian purported to make such restrictions.

The Treasurer also wished to know on what basis the Official Guardian felt that he was qualified to train lawyers for what was described as a "somewhat narrow area of preferred practice".

The Official Guardian subsequently wrote the Treasurer assuring him that the Official Guardian has no authority to restrict or confine child representation to a particular class of lawyer. He emphasized that neither he nor his office wished to do so. He advised, however, that in line with the recommendation of the Attorney General's committee on child representation, his office was developing an education program to ensure that all children, regardless of the availability of private financial resources, will have the benefit of representation if directed under Section 20 of The Child Welfare Act. This training program was not intended to usurp any of the traditional functions or prerogatives of the Law Society, but was intended to provide practical assistance to lawyers who will be paid by the Official Guardian.

In November, 1979 a Sub-Committee was appointed under the Chairmanship of James B. Chadwick to investigate the role of Legal Aid with respect to the representation of children. In February, 1980 Mr. Chadwick wrote to all the Area Directors advising that the Official Guardian had agreed that children can be represented by persons other than those on his panel; this, of course, would be by way of private retainer or possibly by Legal Aid.

The Area Directors were asked to answer the following four questions:

(a) Do you envisage that there will be sufficient solicitors in your area who would be interested in completing the Official Guardian's course and going on the panel?

(b) Do you anticipate that there will be applications for legal aid to represent children in your area?

(c) Would you be prepared to issue a Legal Aid Certificate and, if so, do you feel that The Legal Aid Regulation restricts you in any way?

(d) Any other comments that you may have that will assist the Committee in dealing with this problem.

The majority of Area Directors were of the opinion that certificates should issue in special circumstances.

After in depth discussion the Legal Aid Committee approved the Sub-Committee's recommendation that a memorandum be forwarded to all Area Directors advising them that the Law Society's Professional Conduct Committee had appointed a sub-committee to review the whole issue of child representation and that the Legal Aid Sub-Committee had therefore been wound-up. Area Directors are also to be advised that when an application for representation of a child is received the application should be referred firstly to the Official Guardian's panel. However, under special circumstances an Area Director may issue a certificate for child representation. (In some districts in Northern Ontario certificates may have to be issued since there are not enough panel lawyers.)

Area Directors will be asked to direct any future problems, with respect to the issuance of certificates under Section 20 of The Child Welfare Act, to the Provincial Director for referral to the Steering Committee of the Legal Aid Committee.

AREA COMMITTEES

(a) APPOINTMENTS

Niagara North

Ms. Wilma Scott

(b) RESIGNATIONS

Niagara North

J. R. Charlebois, Esq.

THE REPORT WAS ADOPTED

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CLINIC FUNDING REPORTS

Mr. Chadwick also presented two Reports of the Director of Legal Aid, dated 7th and 12th May, 1980, respectively with respect to Clinic Funding.

CLINIC FUNDING

The Clinic Funding Committee submitted two Reports to the Director recommending funding for the fiscal year 1980/81 for a number of community clinics.

The Director recommended to Convocation the adoption of the two Reports of the Clinic Funding Committee, dated May 6 and May 12, 1980, which are summarized below:

> In its Report of May 6, the Clinic Funding Committee reviewed the initial decisions of the clinic funding staff pursuant to s. 148(1)(c) of the Regulation on clinic funding, and recommended that funds be allocated to community clinics for the fiscal year commencing April 1, 1980 as follows:

Clinic		*Amount*
Advocacy Resource Centre for the Handicapped Toronto	up to	$ 80,000
Bloor-Bathurst Information Centre Toronto	up to	20,695
Canadian Environmental Law Association Toronto	up to	192,855
Flemingdon Park Community Legal Aid Clinic Don Mills	up to	99,240
Halton Hills Community Legal Clinic Georgetown	up to	67,390

Clinic		*Amount*
Industrial Accident Victims Group of Ontario Toronto	up to	$134,950
Injured Workers Legal Assistance Group Hamilton	up to	97,220
Kenora Community Legal Clinic Kenora	up to	78,960
Landlord's Self Help Centre Toronto	up to	72,880
London Legal Clinic London	up to	109,380
McQuesten Legal and Community Services Hamilton	up to	164,915
Mississauga Community Legal Services Mississauga	up to	157,838
Ottawa-Carleton Community Legal Services Ottawa	up to	100,120
Preventive Law Program University of Ottawa Ottawa	up to	3,500
Riverdale Socio-Legal Services Toronto	up to	121,470
Rural Legal Services Queen's University Kingston	up to	38,770
Strathcona Community Centre Hamilton	up to	81,000
Thunder Bay District Native Legal Counselling Services Thunder Bay	up to	194,243
Toronto Community Legal Assistance Services Toronto	up to	136,015
Waterloo-Region Community Legal Services Kitchener	up to	67,480
York Community Services Toronto	up to	66,895

The Clinic Funding Committee heard appeals in relation to some initial decisions of the clinic funding staff pursuant to s.150(2) and s. 150(3) of the Regulation on clinic funding, and in its Report of May 12, the Clinic Funding Committee recommended that funds be provided for the fiscal period 1980/81 to community clinics as follows:

Clinic		*Amount*
Centre for Spanish-Speaking Peoples Toronto	up to	$ 45,695
Community Legal Services of Niagara South Welland	up to	91,795
Legal Assistance of Windsor Windsor	up to	210,282
Metro Tenants Legal Services Toronto	up to	164,500
Parkdale Community Legal Services Toronto	up to	461,430
Queen's Correctional Law Project Queen's University Kingston	up to	72,215
Sudbury Community Legal Clinic Sudbury	up to	95,550
Tenant Hotline Toronto	up to	162,565

The Clinic Funding Committee reserved its decision with respect to the appeals of the following clinics, and recommended approval of an extension of funds for the month of June, 1980 at the 1979/80 level, pending a decision with respect to the appeals:

Black Resources and Information Centre
Community Legal Education Ontario
Injured Workers' Consultants
Neighbourhood Legal Services

The Clinic Funding Committee also reviewed the initial decision of the clinic funding staff with respect to funds to be allocated to the following clinic for the fiscal period 1980/81 and recommended approval of funds as follows:

Rexdale Community Information Directory Rexdale	up to	$124,910

Full details concerning these community clinics may be obtained from the Community Legal Services Directory which is published each year.

THE REPORTS WERE ADOPTED

. . . .

PROFESSIONAL CONDUCT COMMITTEE–Mr. Ground

Mr. R. D. Yachetti, Vice-Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 8th May, 1980.

The following members were present: Messrs. Ground (Chairman), Yachetti (Vice-Chairman), Carnwath, Catzman, Lamont, Lerner, Strauss, Mrs. Sutherland and Mr. Wardlaw.

1. ESTIMATES FOR THE ENSUING YEAR

The Committee set its budget for the ensuing year and reported to the Finance Committee. In arriving at a figure no consideration was given to the cost of printing and distributing to the profession any amendments to the Rules of Professional Conduct that might be made in the next fiscal year. This is consistent with the views expressed in the Committee's reports to Convocation for June 1977 and May 1978.

2. It was moved in Convocation, seconded and *carried* that this item be returned to the Committee for further consideration.

3. INTEREST ON OVERDUE ACCOUNTS

In its January 1980 report the Committee recommended that the Law Society seek an amendment to the Solicitors Act with respect to obtaining a more realistic rate of interest than the 5% as presently provided. Convocation adopted this recommendation. In a letter dated January 31st last the Ontario Legal Aid Accounts Officer queried whether there should be a specific exemption in the proposed amendment for accounts submitted under the Ontario Legal Aid Act.

The Committee considered this point and is of the opinion that Mrs. Rosenthal's concern can be met by obtaining an amendment to Section 22 of the Legal Aid Act whereby the Plan would be exempted from the obligation to pay the interest as contemplated by the proposed amendment to the Solicitors Act.

4. ACCOUNTS RENDERED BY SPECIAL EXAMINERS

In the Communiqué Number 68 dated September 16th, 1977 the following appeared:

> "Members are reminded that to maintain the honour of the Bar they have a professional duty quite apart from any legal liability to meet financial obligations in relation to their practices including, for example, accounts from Special Examiners."

Recently the Society received letters from two Special Examiners advising that they are still experiencing, on a number of occasions, difficulty in collecting accounts rendered to lawyers.

The Committee, notwithstanding the notice in the 1977 Communiqué, suggested that there appear in the Communiqué following this Convocation a reminder that members, in order to maintain the honour of the Bar, have a professional duty to meet such accounts.

5. It was moved in Convocation, seconded and *carried* that this item be deleted.

6. At the present time a member is acting on behalf of a female client who is involved in a matrimonial dispute with her husband concerning the custody of the sole child of the marriage. The member's concern at the present time is whether his client is mentally competent to give instructions. The child concerned was born in 1976. His client suffered a nervous breakdown in February 1978 at which time her doctors felt that it would be best if the marriage were to be dissolved. Notwithstanding this advice the client lived with her husband until October of that year. In February of 1979 she was admitted to a psychiatric facility where she stayed for three weeks. Six months later a separation agreement was executed. In February of this year the client suffered a further emotional crisis and as a consequence the father brought a successful application for an interim order of custody. The member understands that his client's psychiatrist testified that the husband was a far more suitable parent to have custody of the child than the client. As a result of this the client fired her psychiatrist and then solicitor and retained the member to act for her. The client's present psychiatrist is of the opinion that she is emotionally disturbed, psychotic and so distraught that it would not be in the best interests of the child to be with her. The member has received numerous instructions from his client that are vague and contradictory. He has no confidence in her rationality it being his view that she is incapable of instructing counsel.

The Committee is of the opinion that the member should advise the court, when the Hearing with respect to the custody is held at the end of this month, that he cannot continue to represent his client. The member should also apply for an order removing himself from the record on the grounds he cannot obtain instructions.

7. A number of other matters were considered with the appropriate instructions being issued in each instance.

THE REPORT AS AMENDED WAS ADOPTED

. . . .

UNAUTHORIZED PRACTICE COMMITTEE–Mr. Tobias

Mr. P. B. Tobias, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 8th May, 1980.

The following members were present: Messrs. Chilcott (Vice-Chairman in the Chair), McWilliams, Shaffer and Strauss.

1. The Budget estimates for the fiscal year July 1, 1980 to June 30, 1981 were discussed and approved.

2. Two accounts were approved.

3. The Report of the Professional Organizations Committee concerning prosecutions for unauthorized practice under Section 50(1) of The Law Society Act was considered. The Secretary was instructed to send to each member of the Committee the recommendations that the Law Society made to the Professional Organizations Committee in June 1979 and the Committee's Report to Convocation of April 1979. The Secretary was instructed to defer this matter to the next meeting of the Committee.

4. The Secretary reported that the Reasons for Judgment of Callaghan, J. in a matter were circulated to all members of the Committee. It was the unanimous view of the Committee that the Society take no further action in this matter.

5. A solicitor wrote that a mortgage company was commencing business in Ontario. The Secretary was instructed

to write to the solicitor indicating that the Committee could express no opinion on his letter and referring him to Section 50(1) of The Law Society Act and the Mortgage Brokers Act.

6. A correspondent asked if an individual could act as agent on Highway Traffic Act offences and similar offences. The Secretary was instructed to reply to the individual and refer him to the relevant statutes.

7. The President of the District of Kenora Law Association advised that a member of the Manitoba Law Society had appeared on a matter that was before the Provincial Court (Family Division) and indicated that he was a solicitor but was acting as a friend. The Secretary was instructed to write to the Secretary of the Manitoba Law Society and request that the Manitoba solicitor be informed that he must become a member of the Bar of Ontario to act on matters before the Ontario Courts.

THE REPORT WAS RECEIVED

....

PRACTICE AND INSURANCE COMMITTEE–Mr. Brulé

Mr. J. A. Brulé, Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 8th May, 1980.

The following members were present: Messrs. Brulé (Chairman), Farquharson, Mrs. Legge and Mr. Tebbutt. Mr. Hargraft and Miss Morham were present at the Chairman's request.

ADJUSTERS' FEES

Lists of fees paid in April, 1980, to adjusters under the old Fund, the 1977 Fund, the 1978 Fund and the 1979 Fund were before the Committee.

Approved

COUNSEL FEES

Lists of fees paid to Counsel during April, 1980, were before the Committee.

Approved

MONTHLY REPORT

Mr. Hargraft's monthly report was before the Committee.

Approved

It was moved in Committee, seconded and *carried* that the list of those with multiple claims be reviewed and, in the discretion of the Chairman, those who appear to require it be asked to appear before a sub-committee of this Committee to discuss the causes of their difficulties.

LOSS PREVENTION PROGRAMME

Mr. Peter Norman supplied the following report on the progress of the Loss Prevention Programme:

> "We are pleased to report that the Risk Management programmes have received continued support from members, and it appears from remarks made by members that both the member and staff programmes are well appreciated.
>
> To date 17 member programmes have been held, producing 3,665 attendees (approximately 36% of membership). The locations have been as follows:

Toronto	12 programmes to date
Kingston	1
St. Catharines	1
Hamilton	1
Peterborough	1
Windsor	1

> During the month of May a further 4 programmes are scheduled, with a total of 851 registrants so far. The locations are as follows:

Waterloo	1 programme scheduled
London	1
Ottawa	2

> Unfortunately, we had to cancel the programme for the Walkerton area due to lack of registration. However, many who had been registered for this programme have reapplied for the programmes in Waterloo or London. We therefore anticipate approximately 4,600 attendees by the end of May – this

represents 43% of the members.

During June programmes are being arranged to take place in the northern portion of the province – in Muskoka, Sudbury and Thunder Bay – and should attract a further 500 members.

October and November have been scheduled for an additional 4 programmes, hopefully adding another 1,000. Thus, the total should be in the region of 6,100 members attending (approximately 58%).

The staff programmes, of which there have been 16 to date, have been poorly attended, and only about 1,400 support staff have so far participated. The number is rising, and future programmes should see a marked improvement in attendance."

Noted

OUTSTANDING BILL FOR COUNSEL FEES

A letter from F. C. Maltman & Co. Ltd. was before the Committee respecting a matter in which $4,000 is outstanding from a total counsel fee bill of $6,026.66. Maltman & Co. are of the opinion that the outstanding sum cannot be collected from the insured who had been arrested in connection with alleged fraud in connection with a land development.

The Committee was asked to consider how the balance of the counsel fee is to be paid.

The Committee recommended that the account be paid.

THE REPORT WAS ADOPTED

. . . .

LIBRARIES AND REPORTING COMMITTEE–

Mr. Farquharson

Mrs. R. M. Tait presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 8th May, 1980.

The following members were present: Messrs. Farquharson (Chairman), Lerner, Shaffer, Mrs. Tait, Miss A. R. McCormick and Messrs. G. Howell and D. V. Burnett.

GREAT LIBRARY

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

COUNTY AND DISTRICT LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their annual returns for the year 1979. The amounts of the grants which they should receive under the Regulation in 1980 and those that they received in 1979 are as follows:

	1979	*1980*
Grey	2,000.00	2,000.00
Halton	2,000.00	2,000.00
Hamilton	2,000.00	2,000.00
Peterborough	2,000.00	2,000.00

Approved, subject to the approval of the Finance Committee.

THE REPORT WAS RECEIVED

. . . .

SPECIAL COMMITTEE ON PREPAID LEGAL SERVICES

Mr. P. G. Furlong, Chairman, presented an oral report with respect to Prepaid Legal Services.

THE REPORT WAS NOTED

. . . .

SPECIAL LIAISON COMMITTEE WITH PROFESSIONAL ORGANIZATIONS COMMITTEE

Mr. Stuart Thom, Chairman, presented the Report of the

Special Liaison Committee with the Professional Organizations Committee of its meeting on Tuesday, 6th May, 1980.

The following members were present: Messrs. Thom (Chairman), Bowlby, Brulé, Finlayson, Henderson, O'Brien and Ogilvie.

The members of the Committee had read the Professional Organizations Committee report insofar as it referred to the legal profession but had not had an opportunity to consider carefully the specific recommendations it contains. Those recommendations range over a large part of the Society's responsibilities and are in some instances quite detailed and precise, for example, with respect to advertising.

The Committee recommended that all of the Standing and Special Committees of the Society be asked to consider the recommendations made in the Professional Organizations Committee's report as they touch matters falling within the responsibility of each committee and then to make recommendations to this Liaison Committee which will co-ordinate the various recommendations and report further to Convocation.

THE REPORT WAS ADOPTED

....

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. R. W. Cass presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 8th May, 1980.

The following members were present: Messrs. Pepper (Chairman), Carthy and Cass.

APPLICATION

The applicant, who was called to the Bar in April 1979, has been practising alone. The practice has not thrived and he is in debt to the bank for $15,000. He has given up his office and what files he has are now at his home. The applicant was unable to pay his errors and omissions insurance levy and asked that consideration be given to a grant to help him pay the levy in order to avoid suspension. On the authorization of the Chairman, a grant of $500 was made. The Committee was asked to ratify this action.

Approved

THE REPORT WAS ADOPTED

....

APPLICATION FOR APPOINTMENT OF COMMITTEE UNDER SECTION 35, THE LAW SOCIETY ACT

Convocation authorized the Treasurer to appoint a committee under Section 35 of The Law Society Act in respect of a solicitor.

....

NOTICE OF MOTION TO AMEND RULE 21(1) DAY FOR REGULAR CONVOCATIONS

Mr. J. A. Brulé gave notice of a motion for an amendment to Rule 21(1) to change the day for Regular Convocation to Thursday instead of Friday.

....

CONVOCATION ROSE AT 12:40 P.M.

....

Confirmed in Convocation 20th June, 1980.

J. D. BOWLBY

Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 20th June, 1980
10:00 a.m.

PRESENT:

The Treasurer (Mr. J. D. Bowlby) and Messrs. Affleck, Arthurs, Barr, Brulé, Bynoe, Carnwath, Carter, Carthy, Cass, Catzman, Chadwick, Chilcott, Doran, Farquharson, Fennell, Ferrier, Furlong, Genest, Goodman, Ground, Humphrey, Lamont, Mrs. Legge, Messrs. Lerner, Lochead, McWilliams, Noble, O'Brien, Ogilvie, Outerbridge, Pepper, Robinette, Ruby, Shaffer, Sheard, Mrs. Sutherland, Messrs. Tebbutt, Thom, Wardlaw, White and Willoughby.

....

MINUTES

The Minutes of Convocation of 16th May, 1980 were confirmed.

....

HER MAJESTY QUEEN ELIZABETH THE QUEEN MOTHER – HONORARY BENCHER

The Treasurer noted that Her Majesty The Queen Mother will mark her eightieth birthday on 4th August, 1980 and that Her Majesty Queen Elizabeth will hold a garden party on 17th July, 1980 at Buckingham Palace to celebrate the occasion. On behalf of the Benchers the Treasurer will send an appropriate message to The Queen Mother.

....

THE HONOURABLE WILFRED JUDSON, O.C., Q.C., RETIRED JUDGE, SUPREME COURT OF CANADA

The Treasurer noted with regret the death of The Honourable Wilfred Judson on 15th June, 1980, at Ottawa. Mr.

Judson retired as a judge of the Supreme Court of Canada on 20th July, 1977, after 19 years on that Bench. From 1951 to 1958 he was a judge of The High Court of Justice of The Supreme Court of Ontario, and for a brief period prior to that appointment was a Bencher of the Society, having been elected at the Benchers election held in April 1951.

....

PETER B. TOBIAS, Q.C.
ELECTED BENCHER

The Treasurer referred with regret to the death on 9th June, 1980 of Kathleen Anne Tobias, wife of Peter B. Tobias, of Huntsville. The Treasurer informed Convocation that he had expressed to Mr. Tobias the condolences of his fellow Benchers on his loss.

....

ELECTION OF BENCHER
HUGH GUTHRIE, Q.C., GUELPH

A vacancy having been caused in Convocation upon the Treasurer becoming a Bencher ex officio following his election, Convocation proceeded to elect a qualified candidate in accordance with the provisions of Section 22(2) of The Law Society Act.

It was moved, seconded and *carried* that Mr. *Hugh Guthrie* of Guelph be elected to fill the vacancy in Convocation.

....

APPOINTMENT OF AUDITOR

It was moved, seconded and *carried* that Messrs. *Clarkson, Gordon & Company* be appointed Auditors of the Society for the period of one year from 1st July, 1980.

....

APPOINTMENT OF REPRESENTATIVES

(a) CANADIAN BAR ASSOCIATION

It was moved, seconded and *carried* that the *Treasurer* and Mr. *R. W. Cass* be appointed the Society's representatives on the Council of the Canadian Bar Association to take office at the end of the Annual Meeting of the Association in 1980.

(b) FEDERATION OF LAW SOCIETIES OF CANADA

It was moved, seconded and *carried* that the *Treasurer* and the *Secretary* be appointed the Society's representatives to the Federation of Law Societies of Canada.

(c) RULES COMMITTEE, S.C.O.

It was moved, seconded and *carried* that the following be appointed the Society's representatives on the Rules Committee, S.C.O., for the three year term commencing 1st July, 1980: Messrs. *A.B. Doran, W.A.D. Millar* and *R. J. Rolls.*

(d) NATIONAL COUNCIL ON THE ADMINISTRATION OF JUSTICE IN CANADA

It was moved, seconded and *carried* that Mr. *G. F. Henderson* be appointed the Society's representative to the National Council on the Administration of Justice in Canada.

....

REPORT OF TREASURER RESPECTING CONSTITUTION OF STANDING COMMITTEES 1980–81 AND DESIGNATION OF CHAIRMEN AND VICE–CHAIRMEN

The Treasurer presented the Report of his meeting on Thursday, 12th June, 1980, with the Chairmen and Vice-Chairmen of Standing Committees for the purpose of reconstituting the Standing Committees for 1980-81, together with a memorandum setting out designated Chairmen and Vice-Chairmen of the Standing Committees for the ensuing year.

The following were present: The Treasurer (Chairman) and Messrs. Barr, Chilcott, Farquharson, Furlong, Genest, Ground, Lochead, Pepper, Willoughby and Yachetti.

They recommended that the constitution of the Standing Committees for the ensuing year be as follows:

1. FINANCE: Brulé, Chilcott, Farquharson, Fennell, Guthrie*, Henderson, Lochead, O'Brien, Ogilvie, Pepper, Scace, Shaffer, Sheard, Tebbutt, Wilson.

2. LEGAL EDUCATION: Arthurs, Barr, Brulé, Carthy, Catzman, Doran, Ferrier, Genest, Goodman, Ground, Henderson, Lamont, Lerner, Noble, Outerbridge, Ruby, Scace, Shibley, Tait, Thom, Wardlaw, Willoughby.

3. ADMISSIONS: Affleck, Carthy, Cass, Catzman, Chilcott, Cooper, Ferrier, Ground, Henderson, Lamont, Legge, Pepper, Scace, Sheard, Sutherland, White.

4. DISCIPLINE: All members of Convocation.

   – POLICY SECTION: Affleck, Carnwath, Cass, Catzman, Cooper, Furlong, Genest, Humphrey, Ogilvie, Ruby, Sutherland, White, Yachetti.

5. PROFESSIONAL CONDUCT: Arthurs, Carnwath, Catzman, Doran, Fennell, Genest, Ground, Guthrie*, Humphrey, Lamont, Lerner, McWilliams, Outerbridge, Strauss, Sutherland, Tobias, Wardlaw.

6. LIBRARIES AND REPORTING: Farquharson, Lerner, Shaffer, Shibley, Strauss, Tait, Willoughby, Yachetti.

7. UNAUTHORIZED PRACTICE: Bynoe, Carter, Chadwick, Chilcott, Furlong, McWilliams, Shaffer, Strauss, Tobias, White.

8. PUBLIC RELATIONS: Affleck, Arthurs, Carthy, Goodman, Outerbridge, Shibley, White, Willoughby, Yachetti.

9. LEGISLATION AND RULES: Cass, Common, Doran, Furlong, Legge, Lochead, McWilliams, Wilson.

10. PRACTICE AND INSURANCE: Barr, Brulé, Chadwick, Doran, Farquharson, Legge, Noble, O'Brien, Ogilvie, Tebbutt, Wardlaw.

11. LEGAL AID: Barr, Carter, Chadwick, Ferrier, Goodman, Guthrie*, Noble, Ogilvie, Tait, Tebbutt, Tobias, Yachetti.

    – NON–BENCHERS: R. E. Barnes, Mary Cornish, S. R. Ellis, S. B. Linden, G. E. Wallace.

    – STUDENT REPRESENTATIVE: B. Nixon.

    * after election

MEMORANDUM:

CHAIRMEN AND VICE–CHAIRMEN OF STANDING COMMITTEES 1980–81

1. FINANCE: Chairman – P. B. C. Pepper; Vice-Chairman – A. R. A. Scace.

2. LEGAL EDUCATION: Chairman – J. J. Carthy; Vice-Chairmen – M. A. Catzman, S. Lerner.

3. ADMISSIONS: Chairman – L. L. Legge; Vice-Chairman – A. M. Cooper.

4. DISCIPLINE: Chairman – J. D. Carnwath; Vice-Chairmen – P. Genest, N. Ogilvie, R. D. Yachetti.

5. PROFESSIONAL CONDUCT: Chairman – J. D. Ground; Vice-Chairmen – A. B. Doran, J. J. Wardlaw.

6. LIBRARIES AND REPORTING: Chairman – G. H. T. Farquharson; Vice-Chairmen – B. Shaffer, L. S. Willoughby.

7. UNAUTHORIZED PRACTICE: Chairman – W. D. Chilcott; Vice-Chairman – B. C. Bynoe.

8. PUBLIC RELATIONS: Chairman – E. A. Goodman; Vice-Chairman – J. G. M. White.

9. LEGISLATION AND RULES: Chairman – P. G. Furlong; Vice-Chairman – P. K. E. McWilliams.

10. PRACTICE AND INSURANCE: Chairman – J. A. Brulé; Vice-Chairman – J. R. Barr.

11. LEGAL AID: Chairman – J. B. Chadwick; Vice-Chairmen – R. J. Carter, L. K. Ferrier.

It was moved, seconded and *carried* that the Treasurer's Report, including the memorandum designating the Chairmen and Vice-Chairmen, be adopted.

THE REPORT WAS ADOPTED

....

APPOINTMENT OF SPECIAL COMMITTEE ON CONVOCATION

It was moved, seconded and *carried* that the following be appointed a Special Committee on Convocation: Mr. *Arthurs,* Chairman; Messrs. *Barr* and *Yachetti,* Vice-Chairmen; and Messrs. *Brulé, Carter, Catzman, Doran, Finlayson, Furlong, Lamont, Scace, Tobias* and *White.*

....

APPOINTMENTS TO SPECIAL COMMITTEES

(a) HOUSE COMMITTEE

The Treasurer informed Convocation that he had named Mr. *Genest* to the House Committee. The Committee as reconstituted is as follows: Mr. *Brulé*, Chairman; Mr. *Genest,* Vice-Chairman; and Messrs. *Carnwath, Carthy, Finlayson, Pepper, Ruby, Sedgwick, Sheard* and *Thom* with the *Treasurer.*

(b) SPECIAL LIAISON COMMITTEE WITH PROFESSIONAL ORGANIZATIONS COMMITTEE

The Treasurer informed Convocation that he had named Messrs. *Finlayson* and *Shibley* to the Special Liaison Committee with the Professional Organizations Committee. The Liaison Committee as reconstituted consists of the following: Mr. *Thom,* Chairman; and Messrs. *Brulé, Finlayson, Henderson, Ogilvie* and *Shibley.*

....

APPOINTMENT OF SPECIAL COMMITTEE UNDER SECTION 35 OF THE LAW SOCIETY ACT RE: A SOLICITOR

The Treasurer reported to Convocation that pursuant to the authorization given him by Convocation on 16th May, 1980, he had appointed a special committee to make inquiry with respect to a solicitor as provided by Section 35 of The Law Society Act and that the said committee consisted of the following: Mr. *Thom,* Chairman, Messrs. *Catzman, Doran, Guthrie* and Mrs. *Sutherland.*

....

MOTIONS: THE HONOURABLE JEAN CHRETIEN, P.C., MINISTER OF JUSTICE AND ATTORNEY GENERAL OF CANADA

(a) CALL TO THE BAR

It was moved, seconded and *carried* that pursuant to Section 1 of The Barristers Act, R.S.O., 1970, c. 39, The Honourable Jean Chrétien, Minister of Justice and Attorney General of Canada, be called to the Bar of Ontario on Friday, 19th September, 1980, without complying with the Rules of the Society as to admission, examination, payment of fees or otherwise.

(b) HONORARY MEMBERSHIP

It was moved, seconded and *carried* that pursuant to Rule 48(1) under The Law Society Act, following his Call to the Bar on Friday, 19th September, 1980, The Honourable Jean Chrétien, Minister of Justice and Attorney General of Canada, be made an honorary member of the Society until such time as he may wish to assume active practice within the Province of Ontario.

....

ANNUAL MEETING: TIME AND PLACE 1980

It was moved, seconded and *carried* that the Annual Meeting of the Society for 1980 take place in conjunction with the Mid-Winter Meeting of the Canadian Bar Association in 1981 and that the Annual Meeting be preceeded by a luncheon.

....

CONFERENCE WITH COUNTY AND DISTRICT LAW ASSOCIATIONS: TIME AND PLACE 1980

It was moved, seconded and *carried* that the annual meeting of the Chairmen and Vice-Chairmen of the Standing Committees with representatives of the county and district law associations and representatives of the approved law faculties in the province take place on Friday, 10th October, 1980, at 9:30 a.m., in the Third Floor Lounge at Osgoode Hall, and that the meeting be preceded by coffee served in Convocation Hall and followed by a buffet luncheon in Convocation Hall.

....

REMEMBRANCE DAY SERVICE: TIME AND PLACE 1980

It was moved, seconded and *carried* that the Society's observance of Remembrance Day be held on Thursday, 13th November, 1980, at 12:30 p.m., at the Society's First World War Memorial in the Great Library at Osgoode Hall.

....

ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 12th June, 1980.

The following members were present: Mrs. L. Legge (Chairman), Messrs. Cass, Chilcott, Ferrier, Ground, Lamont, Pepper, Scace, Mrs. Sutherland and Mr. White.

ADMISSIONS OF STUDENTS–AT–LAW

Bar Admission Course

A further four candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1979.

Approved

DIRECT TRANSFER

The Committee considered one application to transfer to practice in Ontario by a lawyer from Manitoba who sought to proceed under Regulation 4(1). The application was approved by the Committee.

DIRECT TRANSFER FROM QUEBEC

The Committee considered an application to transfer to practice in Ontario by a Quebec lawyer who had sought the Committee's advice in September 1979 as to whether she complied with the requirements of Regulation 4(2)(a). The Committee at that time gave an affirmative reply. Accordingly the Committee approved the application.

REPORT OF THE EXAMINING BOARD

The results of the examinations held in May 1980 were before the Committee. Nine candidates sat the examination. Six candidates passed and three failed.

Approved

SPECIAL PETITION

John Robert Crerar

On 2nd August, 1979, Convocation approved that John Robert Crerar be readmitted to membership in the Society upon successfully completing the teaching portion of the Bar Admission Course and undertaking that he will not, without prior consent of Convocation, enter into private practice except as an employee or partner of a member or members of The Law Society of Upper Canada.

He filed an undertaking and attended the teaching term from September 1979 to February 1980 at Osgoode Hall. He failed to attain pass standing and asked if he may re-attend the teaching portion of the Bar Admission Course starting in September 1980 only in the four subjects failed, write the examination in these subjects, and if successful in these subjects, be deemed to have complied with the abovementioned first condition of his readmission.

He submitted his failure in these subjects arose from his lack of recent experience in studying for and writing examinations and not from any failure to apply himself to the necessary studies. His petition and transcripts of marks were before the Committee.

The Committee recommended that he take the full teaching term of the Bar Admission Course.

PETITIONS

The Committee considered three petitions. One was from a member of the Quebec Bar who had been given permission to proceed under Regulation 4(2) in February 1978. He passed the comprehensive examination on the common law in February 1978 on the first attempt. In May 1978 he failed in his first attempt at the Statutes and Procedure examination and in November 1978 he failed a second time. He was advised that candidates who fail in their second attempt must discontinue. In his petition he sought permission to write again the comprehensive examination and, if successful, the Statutes and Procedure examination in order to qualify for membership in the Society. The Committee recommended that the petition be denied; it saw no reason to deviate from policy.

One petitioner sought permission for the late filing of documents for admission to student membership in the Society and submitted complete documentation, the requisite fee and a fine for late filing. (A similar petition was submitted to the Legal Education Committee.) The Committee approved the petition.

The third petitioner had successfully completed the 20th Bar Admission Course but prior to becoming eligible for Canadian citizenship, he obtained employment with the Law Library of the Library of Congress in Washington, D.C. and is responsible for advising members of the United States Congress and government agencies on matters pertaining to Canadian law. Because of the nature of his position, he must remain a citizen of the United States and cannot apply for Canadian citizenship. He submitted that he is constantly involved with Canadian legal matters as well as studying the law of international agreements and commerce in the LL.B. Programme at Georgetown University. He asked if he may defer Call to the Bar. The Committee recommended that he be permitted to defer his Call to the Bar until April 1981.

REPORT OF THE PROFESSIONAL ORGANIZATIONS COMMITTEE

This Committee was asked to consider the recommendations in the P O C Report with respect to the following points and report to the Liaison Committee which will report to Convocation:

2.10 Statutory registration committee and hearings and appeals

2.13(b) General requirements for licensure

2.14(b) Regulations re temporary admissions

7.1 Query re Canadian citizenship – see Finance Committee

7.2 Lawyers and lay benchers to be Canadian citizens

When considering the recommendations, the Committee was asked to give particular attention to whether the Professional Organizations Committee said that the matter should be dealt with by regulation or by by-law.

A memorandum from the Chairman had been circulated to the Committee.

This item was put over until September, members to forward their comments to the Chairman prior to September.

THE REPORT WAS ADOPTED

....

Mrs. Legge presented the Report of the Admissions Committee of its meeting on Friday, 20th June, 1980, prior to Convocation.

The following members were present: Mrs. L. L. Legge (Chairman), Mr. Ground and Mrs. Sutherland.

OCCASIONAL APPEARANCE

Youssef El-Batrawi of the Province of Quebec, applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Regina v. Mark Shami*. Mr. El-Batrawi had complied with the requirements of Section 10 and presented a Certificate of Good Standing. He asked to receive his Call to the Bar of Ontario at the June Convocation.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Call to the Bar for an Occasional Appearance

At its meeting on 20th June, 1980, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation 10 concerning "Occasional Appearances in Ontario of lawyers from other Provinces", and that upon giving the necessary undertaking, he be called to the Bar and admitted as a Solicitor:

Youssef El-Batrawi	Province of Quebec

Approved

THE REPORT WAS ADOPTED

....

CALL TO THE BAR

The following candidate was presented to the Treasurer and Convocation and was called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer:

Youssef El-Batrawi

....

SPECIAL COMMITTEE ON OFFICE OF THE TREASURER

Mr. J. J. Robinette, Chairman, presented the Report of the Special Committee on the Office of the Treasurer, dated 15th February, 1980, which at Convocation on 21st March, 1980, was directed to stand to the June Convocation.

The Special Committee reported to Convocation on Friday, 18th January, 1980, when Convocation directed that the following item contained in the Committee's Report stand:

Remuneration of Treasurer

The Committee gave further consideration to the question whether the Treasurer should be paid. Three members were of the view that the Treasurer should be paid at the rate of a Supreme Court Judge. The position of Treasurer should not be denied to any Bencher by reason of the cost of occupying the post. It is understood that the expenses of an out-of-town Treasurer in attending to the Society's business in Toronto and elsewhere would be met by the Society.

Two members were of the view that the Treasurer should not be paid but agreed that all expenses incurred in discharging the duties of the Treasurer's office should be paid by the Society including for an out-of-town Treasurer the provision of suitable permanent accommodation in Toronto and other facilities such as secretarial services.

It was moved, seconded and *lost* that the Treasurer receive remuneration.

....

DISCIPLINE COMMITTEE–Mr. Carnwath

Mr. J. D. Carnwath, Chairman, presented the Report of the Policy Section of the Discipline Committee, dated 20th June, 1980, respecting the Compensation Fund Levy for the ensuing year. This item was before Convocation on 16th May, 1980, when Convocation directed it to stand to the June Convocation.

COMPENSATION FUND LEVY FOR THE ENSUING YEAR

When the Committee's recommendation for the Compensation Fund levy was considered last year by Convocation it was suggested that a study of the performance of the Fund be obtained for the assistance of the Committee and Convocation. Subsequently Mr. H. O. Stinton, formerly the Society's Director of the Errors and Omissions Insurance Programme, was retained in this regard. His report came before Convocation last October. As instructed at that time, Mr. Stinton was asked to prepare a second report to assist in determining what the levy should be for 1980-81. A copy of his new report was before the Committee and Convocation.

After a full consideration of Mr. Stinton's report the Committee recommended that the Compensation Fund levy for the ensuing year be $90.

THE REPORT WAS ADOPTED

....

MOTION: COMPENSATION FUND LEVY 1980/81

It was moved, seconded and *carried* that the Compensation Fund levy for members of the Society for the fiscal year 1980/81 be $90 per member.

....

PUBLIC RELATIONS COMMITTEE–Mr. Goodman

Mr. E. A. Goodman, Chairman, presented the Report of the Public Relations Committee of its meetings on Friday, 23rd May, and Thursday, 12th June, 1980.

The Committee met on Friday, 23rd May, 1980. The following members were present: Messrs. Goodman (Chairman), White and Yachetti.

PAMPHLET ON WILLS

The Committee was asked to consider revising the pamphlet on Wills which is distributed by the Society to reflect the present state of the law.

The Committee asked Mr. Tobias, who originally drafted the pamphlet, to re-draft it.

TELEVISION FILM OF OSGOODE HALL

Professor Eric Arthur had written suggesting a television film on the architecture of Osgoode Hall. The correspondence was before the Committee. It makes no suggestion as to cost or funding.

Since the Committee met, Professor Eric Arthur has written to the Society to say that his health has deteriorated and that he no longer feels able to undertake the project.

ESTIMATES

The estimates were approved for the year 1980-81.

The Committee also met on Thursday, 12th June, 1980. The following members were present: Messrs. Goodman (Chairman), Willoughby and Yachetti.

SURVEY TO THE PUBLIC

The Committee met with all of the Benchers on 18th of October, 1979, and one of the matters agreed upon was that a professionally drafted questionnaire should be prepared to assess the public's attitude towards the profession. The Chairman was given authority at that meeting to proceed. The draft questionnaire was before the Committee.

The Committee approved of the questionnaire which will be used during the summer by Decima Research Limited in its public survey. A report will be made to the Committee and Convocation in September.

THE REPORT WAS ADOPTED

. . . .

LEGAL AID COMMITTEE–Mr. Chadwick

Mr. J. B. Chadwick, Vice-Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 11th June, 1980.

The following members were present: James B. Chadwick, Acting Chairman, Mr. Barnes, Ms. Cornish, Mr. Ferrier, Mrs. Fleming, Messrs. Jones, Lamb, Linden, Nixon, Ogilvie, Mrs. Smyth and Mrs. Tait.

Also present by invitation was: Dr. Avrim Lazar, staff member of the Planning and Policy Department of the Federal Department of Justice.

REPORT OF THE DEPUTY DIRECTOR

(a) Finance

The Director's report pursuant to Section 95(2) for the first month of the new fiscal year shows that payments from the Legal Aid Fund totalled $4,806,000. Income from all sources totalled $4,370,000, leaving a negative balance in the Fund at April 30, 1980, of $436,000.

The distribution of the Plan's budget for this fiscal year has not yet been completed and, in any event, comparisons with budget at this early stage are not too useful.

(b) Statistics

During the month of April, the number of persons making contact with area offices totalled 18,684, which is an increase of 513 over the same month in 1979. Certificates issued show a decrease of 117, while persons assisted by Duty Counsel are reported as having increased by 2,300.

Again, it is probably misleading to draw comparisons on the basis of only one month's activity.

(c) Write-Offs

George E. Wallace, Q.C., approved the write-offs of the following total of amounts due to the Legal Aid Fund: $18,560.10.

RENEWAL OF IBM CANADA LIMITED DATA PROCESSING CONTRACT

The Committee approved that the Legal Aid Plan's contract with IBM be renewed for a further period of one year.

The contract provides for the supply of computer time, quality control and the printing of solicitors' cheques and certain financial and statistical reports.

The cost of these services during the last period amounted to approximately $31,000. In the coming 12 months it is anticipated that these costs will increase to at least $36,000 and possibly even $40,000. This fairly substantial increase in cost is largely due to the new tariff statistical system and the detailed inquiries being made of that system. It is also expected that other informational programmes will be written and made use of during the coming 12 months.

LEGAL ACCOUNTS

(a) REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	May 1980	*2 Months to May 31, 1980*	*2 Months to May 31, 1979*
Reviews on hand	949		
Reviews received in	245	364	257
	1194		

	May 1980	*2 Months to May 31, 1980*	*2 Months to May 31, 1979*
Settlements reviewed in	147	313	161
Settlements awaiting review	1047		
	1194		

Appeals

	March	*April*	*May*
Appeals to Taxing Master received during	–	1	2
Appeals heard by Taxing Master	–	2	2
Appeals pending at the end of month	6	5	5
Appeals abandoned	–	–	–

Activity

	1980/81 Fiscal Year		*1979/80 Fiscal Year*	
	Month of May 1980	*2 Months to May 1980*	*Month of May 1979*	*2 Months to May 1979*
Accounts on hand at beginning	12093	12454	7712	7273
Accounts received	6051	11708	5928	11502
Total Accounts to be processed	18144	24162	13640	18775
Less: Files cancelled	30	64	26	58
Accounts processed	5725	11709	5578	10681
Balance	12389	12389	8036	8036
In addition to the number of accounts for services completed there were:				
Interim Accounts	363	837	251	496
Supplementary Accounts	370	643	342	595
Total	733	1480	593	1091

(b) NOTES TO REPORT OF THE LEGAL ACCOUNTS OFFICER

Accounts

The Legal Accounts Department received 6,051 accounts during the month of May, 1980. 5,725 were processed leaving 12,389 outstanding at the end of May.

Since April 1st, 1980 the Legal Accounts Department has received 11,708 accounts and processed 11,708 accounts and therefore has handled the volume of accounts coming in but has not made any inroads in the backlog.

In addition 363 interim accounts were processed and 370 supplementary accounts.

Reviews and Appeals

There were 949 settlements on hand for review at the beginning of May and 245 were received during that month. 147 settlements were reviewed leaving 1,047 on hand at the end of the month.

Two Notices of Appeal to the Taxing Officer were received during the month of May. Two appeals were heard leaving five appeals pending at the end of the month.

STEERING COMMITTEE

At its May meeting the Steering Committee reviewed a provision under the Quebec Legal Aid legislation which enables any citizen, who is concerned that legal aid has been granted in a particular matter, to initiate an appeal questioning the granting of such legal aid. The Steering Committee was asked whether such a provision could be incorporated into the Ontario Legal Aid legislation.

The Steering Committee reviewed the provisions of Section 26(1) of The Legal Aid Act which reads as follows:

> (1) Subject to the approval of the Lieutenant Governor in Council, the Law Society may make regulations respecting the establishment and administration of a legal aid plan and, without limiting the generality of the foregoing, may make regulations,
>
> . . .
>
> (m) respecting appeals under Sections 14, 16 and 22.

The Steering Committee noted that Section 14 provides for the Area Committee to approve the issuance of appeal certificates from a trial court, administrative tribunal, etc. Section 16 provides for an appeal to an Area Committee where an applicant's financial eligibility is in dispute. Section 22 provides for an appeal to the Taxing Master or Judge of a High Court where payments for professional services rendered under the Plan are in dispute.

The Legal Aid Committee concurred with the Steering Committee that The Legal Aid Act does not allow the Plan to provide for any other type of appeal. It is impossible without an amendment to The Legal Aid Act to provide legislation which will enable a citizen who is concerned that legal aid has been granted in a particular matter to initiate an appeal questioning the granting of such legal aid.

CONTINUING EDUCATION
LEGAL AID FOR LEGAL SECRETARIES

At its meeting in November, 1979 the Legal Aid Committee recommended that the Plan put on a seminar for lawyers and/or their secretaries on how to prepare an account under the new legal aid tariff.

The Committee expressed concern as to the number of outstanding accounts and noted the Legal Accounts Officer's remarks that many solicitors did not give the necessary information which necessitated the writing of letters which delayed payment. The Legal Accounts Officer also noted the number of telephone enquiries from legal secretaries and lawyers as to how to prepare an account. As a result a course entitled "Legal Aid for Legal Secretaries" will be presented on Tuesday, June 17th, 1980, from 2:00 to 5:00 p.m. The program is designed primarily for legal secretaries but will also be useful to any member of the Bar who wants to know what his or her secretary ought to know about legal aid.

A copy of the flyer advertising the program was before the Committee and Convocation.

JOINT COMMITTEE

(a) Mentor Program

The Mentor Program was formally launched on May 8th, 1980 with a press conference.

To date there are 27 mentors (senior criminal counsel) and 140 mentees (junior members of the criminal Bar). While it is too early to evaluate the effectiveness of the program, there has been an enthusiastic response and new applications to participate are being received daily.

A meeting for all mentors and mentees will be held on Tuesday, June 17th, 1980 to discuss the best ways in which the program can function.

A report from the Public Information Officer on the media coverage was before the Committee and Convocation.

(b) Research Facility

The Research Director reported that the number of enquiries received by the Research Facility was still increasing at a steady rate. The Facility is presently sending out another 1,000 letters to practitioners about the province, inviting them to submit their problems in criminal law and evidence. To date, approximately 1,500 letters have been sent out, the last 500 were sent out just recently, and, therefore, it is too early to tell what impact they will have upon the number of enquiries received. This device of gradually letting more and more lawyers know about the Research Facility, is working well in allowing the necessary adjustments to be made in preparation for the official opening of the Research Facility in September.

The Research Director also reported to the Committee that he had come across articles written in American periodical literature as to a possible new form of unauthorized legal practice "advice by computer-aided legal analysis systems". In the United States, computer systems which perform some type of case or statute retrieval are presently being marketed. Also under development are computer systems capable of performing legal analysis. The issue involved, and unresolved, is whether the use of any of these automated law systems by laymen constitute the unauthorized practice of law. The Director felt that the Research Facility will be able to meet the challenge of such computer systems in Canada, in the areas of law in which it is involved.

The Research Director also reported that a number of complimentary letters have been received expressing praise for the work of the Research Facility and considerable appreciation of the existence of such a service. He presented copies of letters received from members of the Bar.

AREA COMMITTEES

(a) APPOINTMENTS

Manitoulin & Sudbury Districts

William Guy Mahaffy, Solicitor

Waterloo County

C. S. Glithero, Solicitor
B. T. Paquette, Solicitor

(b) RESIGNATIONS

Peel County

Morris Gogek, Solicitor

Waterloo County

W. W. Johnston, Assistant Crown Attorney
Bruce J. Frazer, Assistant Crown Attorney

THE REPORT WAS ADOPTED

. . . .

CLINIC FUNDING REPORT

Mr. Chadwick also presented the Report of the Director of Legal Aid, dated 13th June, 1980, with respect to Clinic Funding.

CLINIC FUNDING

The Clinic Funding Committee submitted a report to the Director recommending funding for various projects.

The Director recommended to Convocation that the report of the Clinic Funding Committee dated June 13th, 1980 be adopted.

The following is a summary of the relevant portions of the Committee's Report:

At its meeting on 2nd June, 1980, the Committee made decisions with respect to appeals by community-based clinics, and recommended that funds be provided for the fiscal period 1980/81 as follows:

Black Resources and Information Centre Toronto		up to	$ 18,200
Community Legal Education Ontario Toronto		up to	173,145
Injured Workers' Consultants Toronto		up to	204,320
Neighbourhood Legal Services Toronto		up to	153,861
Sudbury Community Legal Clinic Sudbury	(funds for additional staff, July 1, 1980)	up to	41,250

THE REPORT WAS ADOPTED

. . . .

LIBRARIES AND REPORTING COMMITTEE– Mr. Farquharson

Mr. G. H. T. Farquharson, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 12th June, 1980.

The following members were present: Messrs. Farquharson (Chairman), Shaffer, Mrs. Tait, Messrs. Willoughby and Yachetti. Miss A. R. McCormick, Messrs. D. V. Burnett, Bruce Chamandy and Glen Howell were also present.

REPORTING

ONTARIO REPORTS INVITATION TO TENDER

The Secretary reported receipt of a letter of opinion from counsel for the Society concerning the proposed specifications that might be used if an Invitation to Tender was sent to those companies expressing an interest. The Committee recommended that the Chairman, Mr. Burnett and counsel for the Law Society meet to discuss the changes that should be made in the specifications.

BUDGET ESTIMATES – 1980/81

BUDGET

The Secretary submitted the budget estimates for the Committee for the fiscal year July 1, 1980 to June 30, 1981. The Committee recommended that the budget estimates be approved for submission to the Finance Committee.

GREAT LIBRARY

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

COUNTY AND DISTRICT LAW LIBRARIES

SUB–COMMITTEE ON GRANTS

The Secretary reported that a letter was received from John R. R. Jennings, Q.C., requesting a meeting with the Chief Librarian and Librarians from the County Law Associations or representatives from the Associations that do not have librarians. The Committee recommended that this matter be considered by the Committee at its September meeting.

SPECIAL GRANTS

The Secretary reported that the Huron Law Association and the Rainy River Law Association requested special grants under Regulation 35(1). The Committee recommended that a special grant of $3,000 be paid to the Huron Law Association, and also recommended that a special grant of $2,250 be paid to the Rainy River Law Association, subject to the approval of the Finance Committee.

ANNUAL GRANTS

The Associations listed below have sent in their annual returns for the year 1979. The amounts of the grants which they should receive under the Regulations for 1980 and those that they received in 1979 are as follows:

	1979	*1980*
Frontenac	$2,000	$2,000
Nipissing	1,530	1,635
Norfolk	1,355	1,285
Northumberland	1,775	1,740
Parry Sound	750	770
Prescott & Russell	865	900
Rainy River	750	750
Stormont, Dundas and Glengarry	1,565	2,000
Thunder Bay	2,000	2,000

Approved, subject to the approval of the Finance Committee.

Mr. Glen Howell, the County and District Law Library Co-ordinator, reported on his inspection visits to the following seven counties: Cochrane, Essex, Kent, Lambton, Nipissing, Sudbury and Temiskaming.

Noted

THE REPORT WAS ADOPTED

. . . .

Mr. Farquharson presented the Report of the Libraries and Reporting Committee of its meeting on Friday, 20th June, 1980, prior to Convocation.

The following members were present: Messrs. Farquharson (Chairman), Lerner, Shaffer, Willoughby, and Miss A. R. McCormick and Mr. G. Howell.

CONSENT TO GIFT OF BOOKS TO YORK NORTH LAW ASSOCIATION

The Secretary reported that a letter was received from Aubrey A. Russell, Q.C., President of the County of York Law Association, requesting the consent of the Society, under

Regulation 30 to the transfer of 549 volumes to the York North Law Association to assist that Association with the establishment of its law library in Newmarket. The Committee recommended that the Society consent to the gift of books to the York North Law Association.

THE REPORT WAS ADOPTED

. . . .

FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 12th June, 1980.

The following members were present: Messrs. Pepper (Chairman), Scace (Vice-Chairman), Chilcott, Farquharson, Lochead, Shaffer and Tebbutt.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointment to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

Lawrence Patrick Foran, Q.C. Pembroke	Called – 22 June 1960 Appointed Provincial Court Judge, Family Division, County of Renfrew – 2 June 1980
Andrew Matthew Lang Sarnia	Called – 26 March 1971 Appointed Provincial Court Judge, Criminal Division, County of Lambton – 15 April 1980
Stewart Edward Kingstone, Q.C. St. Catharines	Called – 22 June 1960 Appointed Small Claims Court Judge, Judicial Districts of Niagara North and Niagara South – 1 April 1980

Deaths

The following members have died:

Ian Gordon Gillanders Toronto	Called – 25 March 1966 Died – 10 January 1980

Frank Raphael Dore St. Catharines (Life Member)	Called – 21 November 1929 Died – 8 March 1980
Samuel Anderson Caldbick Timmins (Life Member)	Called – 18 November 1920 Died – 25 March 1980
Barbra Teena Schlifer Downsview	Called – 10 April 1980 Died – 11 April 1980
Howard Morwick Toronto (Life Member)	Called – 5 February 1915 Died – 13 April 1980
Frederick Robert Murgatroyd, Q.C. Hamilton (Life Member)	Called – 19 June 1924 Died – 16 May 1980
Donald Badgerow Mulholland, Q.C. Willowdale (Life Member)	Called – 14 December 1922 Died – 19 May 1980
Donald Worthington Rose, Q.C. Toronto	Called – 15 June 1933 Died – 23 May 1980
Jack Eckert Tanner Islington (Life Member)	Called – 18 October 1923 Died – 3 June 1980

Noted

LIFE MEMBERS

Pursuant to Rule 49, the following were eligible to become Life Members of the Society effective 19th June 1980:

William Fienberg, Q.C.	Toronto
James Thompson Garrow, Q.C.	Toronto
Richard Becher Hungerford, Q.C.	Guelph
The Hon. John Keith McBroom Laird, Q.C.	Windsor
Lawrence Melvin Courtice Mason, Q.C.	Bowmanville
Fred Beverley Matthews, Q.C.	Toronto
Joseph James Minsky, Q.C.	Toronto
John Charles Risk, Q.C.	Islington
William Skelcher Sewell, Q.C.	Toronto
George Arthur Yates	Windsor
Jacob Finkelman, Q.C.	Ottawa
Edward Laxton, Q.C.	Toronto
William Herbert Waugh	Welland
William Mossman Dubrule, Q.C.	Prescott

Approved

CHANGE OF NAME

The following *student member* has requested that her name be changed on the rolls of the Society and has submitted the required documentation in support:

From	*To*
Caroline Jane Sinclair Hay	Caroline Jane *Sinclair* (Maiden Name)

Approved

BUDGET 1980/81 AND ANNUAL FEE

A summary of the estimated income and expenditure in the Society's General Fund for the year beginning 1 July 1980 was before the Committee.

The Committee approved the estimates and recommended their adoption as the Society's Budget for the ensuing year. In order to provide the budgeted surplus outlined in the statements, the Committee also recommended that the Annual Fee payable 1 October 1980 be $260 per member, an increase of $10 over the current year's fee. *(See motion, p. 324.)*

The Committee noted that the estimates for the Bar Admission Course included an amount of $698,002 in respect of a grant receivable from The Law Foundation of Ontario. The Committee recommended that an application for a grant in this amount be made to the Foundation.

The Committee also noted that the Department of Continuing Education estimates a surplus of $80,865 for the year 1980/81. This surplus is calculated on the basis of an increase in fees charged to registrants in Continuing Education programmes. The current registration fee is $50 and it is proposed to increase this to $60.

MAINTENANCE COSTS

The Ministry of Government Services submitted its account for costs for the year ended 29 February 1980 in the amount of $46,771.74. This account covers the Society's share of steam, electricity, water and sewage rates for part of the building where these services are supplied by the Government. Since the installation of a separate meter, the Society pays for the majority of steam used in the building directly to Ontario Hydro, the supplier. The amount included in the billing from the Government covers that part of the building not serviced by the separately metered steam.

The Government also charges the Society for a proportion of maintenance mechanics' salaries, maintenance and supplies.

Mr. Heeney has reviewed the account and recommended that it be paid.

Approved

TRAVELLING COSTS

The rate at which the Society reimburses benchers and employees who use their cars on Society business was last increased in September 1979, when the rates were brought in line with those paid by the Government of Ontario and the Ontario Legal Aid Plan. This rate was 15 cents per kilometre (24 cents per mile).

The Government of Ontario has recently increased its rate again and the Committee recommended that the Society increase its rate to 17 cents per kilometre (27 cents per mile) effective 1 July 1980.

LIBRARIES AND REPORTING COMMITTEE

Special Grants

At its meeting on this date, the Libraries and Reporting Committee approved special grants to Huron Law Association in the amount of $3,000 and Rainy River Law Association in the amount of $2,250, subject to the approval of the Finance Committee.

The submission of the Chief Librarian, Miss A. R. McCormick, was before the Committee.

Approved

County Library Grants

The Chief Librarian presented a memorandum listing those law associations which have sent in their Annual Returns for 1979 and setting out the amounts of the grants to which they appear to be entitled under the Regulation in 1979 and 1980. The Libraries and Reporting Committee approved the grants at its meeting on 12th June, 1980, subject to the approval of this Committee.

Approved

LEGAL EDUCATION COMMITTEE

The following item was on the agenda of the Legal Education Committee at its meeting on 12th June, 1980:

"An additional continuing legal education typist is required in the Continuing Legal Education Office. It is proposed that this position be filled at a salary to be approved by the Finance Committee."

Approved

THE REPORT WAS ADOPTED

. . . .

MOTION: ANNUAL FEE 1980/81

It was moved, seconded and *carried* that the Annual Fee for membership in the Society for the fiscal year 1980/81 be $260 per member, exclusive of the Compensation Fund levy.

. . . .

UNAUTHORIZED PRACTICE COMMITTEE–Mr. Tobias

Mr. W. D. Chilcott, Vice-Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 12th June, 1980.

The following members were present: Messrs. Chilcott (Vice-Chairman in the Chair), Furlong, McWilliams, Shaffer, Strauss and White.

1. Two accounts were approved and two accounts were deferred pending further details being obtained.

2. The Secretary reported that the submissions of the

Committee concerning the Report of the Professional Organizations Committee to the Liaison Committee of the Law Society should be made. The Committee will recommend its submissions to the Liaison Committee in September.

3. A letter was received with respect to two members of the Law Society of Manitoba preparing litigation documents for use in court matters in the District of Kenora. The Committee recommended that the Secretary of the Society write to the Secretary of the Law Society of Manitoba sending copies of the complainant's correspondence.

4. A letter indicated that an individual may be holding himself out as a barrister and solicitor contrary to Section 50 of The Law Society Act. The Secretary was instructed to write to the complainants for further information of the activities of the individual involved.

5. The Secretary reported receipt of a letter with a form of retainer which could be signed by a client of an assessment agency to retain it to appear on an assessment appeal. The Committee recommended that a legal opinion be obtained as to whether agents can act on assessment appeals.

6. A complaint was received that a solicitor was practising while under suspension for non-payment of errors and omissions fees. The Secretary was instructed to write to the complainant and ask for a copy of the suspended solicitor's letter and any further information in his possession.

7. A letter indicated that an individual acted on the settlement of an automobile accident case and charged a fee. The Secretary was instructed to send copies of the correspondence to the Metropolitan Toronto Police Fraud Squad.

8. A correspondent reported that a firm of American attorneys had their name with a suite number on the information board in the lobby of an office building in Toronto. The suite number in the office building is occupied by a firm of Ontario solicitors. The Secretary was instructed to write to the firm of Ontario solicitors and ask what relationship there

was between that firm and the firm of American attorneys listed in the lobby as having offices in the same suite.

9. An investigator wrote concerning his efforts to locate customers of a divorce agency. The Secretary was instructed to place this matter on the agenda of the Committee.

THE REPORT WAS ADOPTED

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PRACTICE AND INSURANCE COMMITTEE—Mr. Brulé

Mr. J. A. Brulé, Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 12th June, 1980.

The following members were present: Messrs. Barr (Vice-Chairman in the Chair), Doran, Farquharson, Tebbutt, Wardlaw and Mrs. Legge. Mr. Hargraft and Mr. Doner were present at the Chairman's request.

REAL ESTATE – SOLICITOR FOR THE VENDOR UNDERTAKING TO DISCHARGE MORTGAGE

This item appeared on the agenda of the Professional Conduct Committee and was referred by that Committee for this Committee's consideration. The letter referred to and an excerpt from the report of the Professional Conduct Committee of 10th May, 1979, were before the Committee.

Stand until the next meeting.

ADJUSTERS' FEES

Lists of fees paid in May, 1980, to adjusters under the old Fund, the 1977 Fund, the 1978 Fund, the 1979 Fund and the 1980 Fund are before the Committee.

Noted

COUNSEL FEES

Lists of fees paid to Counsel during May, 1980 are before the Committee.

Approved

MONTHLY REPORT

Mr. Hargraft's monthly report was before the Committee.

Noted

PROFESSIONAL ORGANIZATIONS COMMITTEE

The following recommendations contained in the Report of the Professional Organizations Committee should be considered by this Committee:

2.16 Where participation in a programme offered by a professional organization is a condition of continued retention of the right to practise, the provision of such a programme should be governed by regulations. In particular, The Law Society Act should be revised to provide that Convocation may make regulations governing the provision of errors and omissions insurance to its members.

9.3 The regulation-making powers in the statutes establishing each of the self-regulating licensing bodies in the accounting, architectural, engineering, and legal professions should be amended to empower each of these professions to propose regulations providing for the implementation of practice inspection programmes and providing for the admissibility of evidence obtained pursuant thereto in disciplinary proceedings.

Stand until the next meeting.

COUNSEL FEES OVER $1,000

Since March of this year, the Committee has reviewed accounts for counsel fees exceeding $1,000. The Committee will not meet again until September. It is suggested that authority be given to the Chairman or Vice-Chairman to approve during July and August, accounts for counsel fees exceeding $1,000.

Approved

UNCOLLECTIBLE DEDUCTIBLE FILE NO. B037

The Claims Manager seeks the Committee's instructions whether further attempts should be made to collect the deductible in this matter.

Stand until the next meeting.

PRACTICE ADVISORY SERVICE

The Chairman reported that Mr. Alan T. Marshall, Q.C., of Hamilton, had accepted the post of Practice Advisor on a full-time basis and will begin his duties in July.

Noted

THE REPORT WAS ADOPTED

....

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

....

The Treasurer and Benchers had as their guests for luncheon The Honourable W. D. Parker, Associate Chief Justice of The High Court of Justice of The Supreme Court of Ontario, The Honourable Mr. Justice F. S. Weatherston of The Court of Appeal of The Supreme Court of Ontario, Mr. Frederick Luchak, Q.C., and Mrs. Louise Bowlby.

....

CONVOCATION RESUMED AT 2:30 P.M.

....

PRESENT:

The Treasurer and Messrs. Arthurs, Barr, Carnwath, Carthy, Catzman, Doran, Farquharson, Ferrier, Furlong, Genest, Ground, Humphrey, Lerner, McWilliams, Ogilvie, Ruby, Mrs. Sutherland, Messrs. Thom, Wardlaw, White and Willoughby.

....

DISCIPLINE COMMITTEE (Continued)

Re: JOHN ALEXANDER SMITH, Toronto

Mr. J. D. Carnwath, Chairman, placed the matter before Convocation.

The reporter was sworn.

Mr. Stephen Goudge appeared for the Society. The solicitor did not attend nor was he represented by counsel.

Convocation had before it the Report of the Discipline Committee, dated 5th June, 1980, together with an Affidavit of Service, dated 9th June, 1980, by Brian Ross Fraser, that service had been effected upon the solicitor by registered mail on 6th June, 1980.

Convocation concluded that the Report, having been circulated, need not be read.

The Committee found the solicitor guilty of professional misconduct. He had misappropriated about $50,000 of trust funds belonging to a client.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 5th June, 1980, wherein the solicitor was found guilty of professional misconduct, be accepted.

Convocation was advised that the Recommendation as to Penalty of the Discipline Committee was that the solicitor be disbarred.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

Counsel retired.

....

Re: ARNOLD SAUL HANDELMAN, Mississauga

Mr. Carnwath placed the matter before Convocation.

The reporter was sworn.

Mr. Catzman withdrew from Convocation, took no part in the discussion and did not vote.

Mr. Thomas J. Lockwood appeared for the Society.

The solicitor attended with his counsel, Mr. Bernard Chernos, Q.C., and Mr. Raymond Raphael.

Convocation had before it the Report of the Discipline Committee, dated 5th June, 1980, which had been sent to the Benchers prior to Convocation.

Mr. Chernos waived the reading of the Report.

The Committee found the solicitor guilty of conduct unbecoming a barrister and solicitor. He had conducted a loan transaction which culminated in the execution of a deed transferring a woman's entire interest, worth about $30,000, in the matrimonial home to a company in which he had a substantial interest, for a total consideration of $7,500.

Mr. Chernos referred to written objections filed on behalf of the solicitor in accordance with the Rules, objecting to the facts set out in the Report, without objecting to the finding of conduct unbecoming a barrister and solicitor.

Mr. Lockwood made submissions respecting the Report and the objections made by Mr. Chernos.

Mr. Chernos made submissions in reply.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that the solicitor be found guilty of conduct unbecoming a barrister and solicitor on the admission made through counsel with respect to particular (iii) of the Complaint, which deals with the execution of a deed by a woman transferring her entire interest in her matrimonial home to a company in which the solicitor had a beneficial ownership interest for a total consideration of $7,500.

It was moved and seconded that the Report of the Discipline Committee, dated 5th June, 1980, be adopted with the exception of the finding that the first transaction,particular (i) of the Complaint,was only for the benefit of a corporation in which the solicitor had a beneficial ownership interest.

It was moved and seconded that the Report of the Discipline Committee, dated 5th June, 1980, be adopted.

The motion that the Report be adopted was *lost* .

The motion that the Report be adopted with the exception of the finding respecting the first transaction was *carried*.

The motion that the solicitor be found guilty of conduct unbecoming a barrister and solicitor on the basis of the admission made through counsel with respect to particular (iii) was *not put*.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the action taken by Convocation.

The solicitor, counsel and the reporter withdrew.

Mr. Carnwath read the Recommendation as to Penalty of the Discipline Committee that Convocation by Order suspend the solicitor from the practice of law for a period of six months.

It was moved and seconded that Convocation by Order suspend the solicitor from the practice of law for a period of six months.

It was moved and seconded that Convocation by Order reprimand the solicitor in Convocation and require the solicitor to pay the Society's costs.

It was moved and seconded that Convocation by Order suspend the solicitor from the practice of law for a period of one year.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The motion that the solicitor be reprimanded in Convocation was *withdrawn*.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motions before Convocation and that since two of these motions would impose a more severe penalty than the Discipline Committee recommended, the solicitor was entitled to an adjournment to prepare his submissions respecting penalty. The solicitor elected to proceed and Mr. Chernos made submissions as to penalty.

The solicitor, counsel and the reporter withdrew.

The motion that the solicitor be disbarred was *lost*.

The motion that the solicitor be suspended for a period of one year was *lost*.

The motion that the solicitor be suspended for a period of six months was *carried*.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of Convocation's disposition of the matter.

The solicitor, counsel and the reporter retired.

....

GENERAL

Mr. Carnwath presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 12th June, 1980.

The following members were present: Messrs. Carnwath (Chairman), Cass, Furlong, Ruby, Mrs. Sutherland and Mr. Willoughby.

The following were also present at the invitation of the Chairman: Messrs. White and Yachetti.

QUESTIONNAIRE

In the Committee's April Report it was stated that a draft questionnaire would be prepared. This questionnaire would be sent to members of the profession in order to elicit information concerning acceptance by lawyers of money from clients for the purposes of investment. A Sub-Committee is being appointed, with authority to retain professional assistance, to prepare the questionnaire in final form. It is intended that this Sub-Committee will report in September.

DISCIPLINE PROCEDURES

A Sub-Committee is being appointed to consider the recommendations with respect to discipline procedures made in the Report of the Professional Organizations Committee. At the same time the Sub-Committee will also review the Report of another Sub-Committee which was chaired by Mr. Burton Kellock, and which reported last year, dealing with the same subject.

APPOINTMENT OF NEW REFEREE

The increased number of claims to the Compensation Fund has created a need for the Law Society to appoint another Referee. S. M. McBride, Q.C., has recently retired after a number of years as a Master of the Supreme Court of Ontario. The Committee recommended that he be appointed as a Referee.

ADDITIONAL ASSISTANT SECRETARY

The Committee is of the opinion that due to the increase in the volume of both Discipline and Compensation Fund matters, a further Assistant Secretary should be taken on staff. The intention would be that the new lawyer, in addition to other duties, would take over some of Mr. Bell's responsibilities so that the latter would be able to spend significantly more time on Compensation Fund matters.

EXAMINERS

The Committee was advised that the blitzing campaign undertaken by the six examiners is well under way. It is anticipated that by September of this year, they will have conducted between four and five hundred blitzes. Mr. Anderson expects that when the program is in full operation there will be one thousand per year.

THE REPORT WAS ADOPTED

....

COMPENSATION FUND SUMMARY

Mr. Carnwath presented the Compensation Fund Summary for the period ended 31st May, 1980.

COMPENSATION FUND

For the Period from 1st July, 1979 to 31st May, 1980

(11 months)

TOTAL RECEIPTS	$ 794,721.58
TOTAL DISBURSEMENTS	$ 794,085.35
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 636.23
BALANCE OF FUND at beginning of period	$1,558,782.05
BALANCE OF FUND at end of period	$1,559,418.28
CLAIMS RECEIVED and in the course of being processed at end of period	$7,385,946.48

THE SUMMARY WAS RECEIVED

. . . .

UNFINISHED BUSINESS

Because of the lateness of the hour, the following items which appeared on the agenda but had not been reached were put over to a Special Convocation to be summoned for Thursday, 17th July, 1980:

Report of the Legal Education Committee
Reports (2) of the Professional Conduct Committee
Report of the Special Committee on Advertising

. . . .

CONVOCATION ROSE AT 5:20 P.M.

. . . .

Confirmed in Convocation 19th September, 1980.

J. D. BOWLBY
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Thursday, 17th July, 1980
10:00 a.m.

PRESENT:

The Treasurer (Mr. J. D. Bowlby) and Messrs. Arthurs, Barr, Brulé, Bynoe, Carnwath, Carter, Carthy, Cass, Catzman, Cooper, Doran, Farquharson, Fennell, Ferrier, Furlong, Goodman, Ground, Guthrie, Lamont, Mrs. Legge, Messrs. Maloney, McWilliams, Noble, O'Brien, Ogilvie, Ruby, Scace, Mesdames Sutherland and Tait, Messrs. Tebbutt, Thom, Wardlaw, White, Willoughby and Yachetti.

. . . .

APPOINTMENTS TO STANDING COMMITTEES

The Treasurer reported that as a result of requests made to him, and with the approval of the Chairmen of the Committees involved, the following changes have been effected subsequent to the June Convocation:

Committee	*Addition*	*Deletion*
Legal Education	Ferrier, L.K.	–
Professional Conduct	Lamont, D.H.L.	Arthurs, H.W.
Public Relations	–	Arthurs, H.W.
Legislation and Rules	–	Doran, A.B.
Legal Aid	–	Ruby, C.C.

. . . .

APPOINTMENT OF SPECIAL COMMITTEE
COMPLAINTS REVIEW COMMITTEE

It was moved, seconded and *carried* that Convocation establish a Complaints Review Committee to be composed of at least two elected Benchers and one lay Bencher, as appointed from time to time by Convocation, to consider any complaint lodged against a member of the Society that has already been considered by a member of the Secretariat and by a senior member of the Discipline Committee to the dissatisfaction of the complainant, provided that no member of the Complaints Review Committee shall have previously considered a complaint coming before the Complaints Review Committee for consideration; and further that Mr. *Ogilvie* be appointed Chairman and Messrs. *Catzman, Doran, Humphrey* and *Wardlaw* members of the Complaints Review Committee.

....

SPECIAL COMMITTEE ON ADVERTISING

Mr. Brendan O'Brien, Chairman, presented the Report of the Special Committee on Advertising of its meeting on Tuesday, 10th June, 1980.

The following members were present: Mr. O'Brien, Chairman, and Messrs. Fennell, Pepper, Thom and White.

The Committee had before it the relevant portions of the Report of the Professional Organizations Committee which culminated in the following recommendations:

10.1 The Law Society of Upper Canada should bring forward to the Attorney General, in the form of regulations subject to Lieutenant Governor in Council approval, revised Rules of Professional Conduct providing that:

  (a) every member of the Law Society be entitled to advertise such information as office hours, languages spoken, educational qualifications, professional affiliations, preferred areas of practice, representative clients (with consent), references, publications, and fees charged for initial consultations, hourly rates, or fixed fees for services;

  (b) members advertising a service, where such advertising is misleading or deceptive, be subject to the professional misconduct provisions of *The Law Society Act* and be subject to disciplinary proceedings; and

  (c) price and non-price advertising by members be confined to the print media.

10.2 In the event that such revised rules are not forthcoming in a timely fashion, *The Law Society Act* should be amended to implement Recommendation 10.1.

10.3 *The Business Practices Act* should be amended to include professional services.

The Committee also had before it Bill 87, an Act to amend the Law Society Act, being a private member's Bill introduced in the present sitting of the Legislature by Mr. George Samis (N.D.P. – Cornwall):

BILL 87 1980

An Act to amend The Law Society Act

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Law Society Act,* being chapter 238 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 56, enacted

   56.–(1) Every member is entitled to advertise the office hours, languages spoken, educational qualifications, professional affiliations, preferred areas of practice, the fees charged for initial consultations and the fees charged for services, references, publications and, where the clients give consent, representative clients of the member. Member's right to advertise

   (2) A member may advertise only by publication in a newspaper, magazine or other form of print media. Advertising by publication

   (3) A member who advertises his services in a manner that is misleading or deceptive is guilty of professional misconduct. Misleading advertising

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The Law Society Amendment Act, 1980.* Short title

The Committee was aware that the various recommendations contained in the Professional Organizations Committee Report are being considered by the various committees of the Society and that they will report to the Society's Liaison Committee which will co-ordinate the various views expressed and formulate a comprehensive recommendation for Convocation's consideration. The present report is made directly to Convocation because in view of recommendation 10.2 the Society should act promptly so that whatever revisions to the rules respecting advertising are to be made they will be accomplished "in a timely fashion". Also, the existence of Bill 87 makes it important that there be no unavoidable delay in dealing with the question of advertising. The wording of the Bill is not entirely consonant with the recommendations of the Professional Organizations Committee and raises additional problems. For example, it appears to contemplate in the last four lines of 56(1) that fees are charged not only for services but for "references, publications, and where the clients give consent, representative clients of the member". The drafting is imprecise and would not accomplish the purpose of the Bill.

Turning to subsection (a) of recommendation 10.1 of the Professional Organizations Committee, the list includes matters which members are already permitted to show in the print media, namely, office hours, languages spoken, preferred areas of practice, and fees charged for initial consultations. No objection has ever been made to a member showing educational qualifications as well. After a full discussion, the Committee concluded that members should be permitted to advise the public of their professional affiliations, representative clients (with consent), publications and to show references. In short, the Committee recommends acceptance of the Professional Organizations Committee recommendations in paragraph (a) down to but not including "hourly rates, or fixed fees for services". *(Amended in Convocation; see motions, p. 340).*

The Committee intends to give further consideration to the question of price advertising but has tentatively formed the opinion that the advertising of a fixed fee for a particular service might not be objectionable if it were required that it be stated to include all disbursements and also stated to be subject to taxation. In general, the Committee is of the view that the existence of the taxation procedure is not widely enough known and that effective steps should be taken to draw the service to the attention of the public. So far as the advertising of hourly rates is concerned, the Committee will continue to assess the desirability of such advertising in view of the inherent difficulties and the apparent likelihood that such information may be misleading. For example, a low hourly rate might be more than offset if an inexperienced or inefficient member spent longer than necessary in achieving the result. It would also need to be made clear whether the stated hourly rate referred only to the time of the lawyer or whether it included the work of others at the same or different rates.

With respect to paragraphs (b) and (c) of the Professional Organizations Committee Report the Committee readily agreed that price and non-price advertising by members should be confined to the print media and also that members advertising a service, where such advertising is misleading or deceptive, should be subject to disciplinary proceedings by the Society. In addition, the Committee is of the view that the proper purpose of professional advertising by lawyers is to inform the public and that advertising which is promotional rather than informational should also be the subject of disciplinary proceedings.

In the introductory portion of recommendation 10.1 it is clear that the Society's requirements respecting advertising are intended to be in the form of regulations which would be subject to the approval of the Lieutenant Governor in Council. Advertising is presently governed by the code of professional conduct which Convocation has adopted but which has not been submitted to the Lieutenant Governor in Council for approval notwithstanding the Law Society Act in Section 55 now provides that:

> "Subject to the approval of the Lieutenant Governor in Council, Convocation may make regulations respecting any matter that is outside the scope of the rule-making powers specified in section 54 and, without limiting the generality of the foregoing,
>
> . . .
>
> 4. authorizing and providing for the preparation, publication and distribution of a code of professional conduct and ethics."

The Committee suggests that when the Professional Conduct Handbook has been amended in accordance with Convocation's wishes respecting advertising, the present Section 55 of the Act be invoked and the handbook or code of professional conduct be submitted as a regulation for the approval of the Lieutenant Governor in Council.

The Committee makes no recommendation at this time respecting the advertising of preferred areas of practice. This matter came forward first as a recommendation of the Special Committee on Competence in the Practice of Law and has since become the concern in part of a joint meeting of the Professional Conduct Committee and the Special Committee on Advertising. In addition, the implementation of the continuing education programme for those who advertise preferred areas of practice has become the concern of the Legal Education Committee. The Committee understands that the question of the continuation of the present restricted list of names of areas of practice and the connection between advertising areas of practice and continuing education will be brought to Convocation for consideration.

It was moved in Convocation and seconded that the first recommendation of the Committee with respect to information that members be permitted to advertise be adopted.

It was moved by way of amendment, seconded and *carried* that references in the first amendment to "representative clients" and "references" be deleted.

It was moved by way of further amendment, seconded and *lost* that the advertising of "publications" referred to in the recommendation be permitted only with the specific approval of the Society.

The motion to adopt the first recommendation as amended was *carried*.

It was moved and seconded that in the public interest the Society take a strong stand against permitting any extension of price advertising beyond what is now allowed, and that any amendment to the Society's rules needed to accomplish this be made.

It was moved, seconded and *carried* that the motion be tabled.

It was moved, but not seconded, that the Law Society conduct a market survey to determine the attitude of the profession and the public toward fee advertising.

It was moved, seconded and *carried* that the balance of the Report stand.

The motion that the Society conduct a survey, not being seconded, was *not put*.

....

LEGAL EDUCATION COMMITTEE—Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the

Legal Education Committee of its meetings on Monday, 7th July, and Tuesday, 8th July, 1980, with respect to petitions by way of appeal from failure of six student members in the 21st Bar Admission Course.

The Committee met on Monday, 7th July, 1980, at 9:30 a.m., the following members being present: Messrs. Ground (Acting Chairman), Doran, Mrs. Tait, Messrs. Thom and Wardlaw; and on Tuesday, 8th July, 1980, at 2:00 p.m., the following members being present: Messrs. Ground (Acting Chairman), Doran, Ferrier, Mrs. Tait and Mr. Thom.

The Committee heard the appeals of each of the six candidates and considered the material before it.

The Committee weighed the reasons given by each of the petitioners as contributing to failure in the examinations, including physical disability, emotional and personal problems, financial constraint and other special circumstances.

The Committee was favourably impressed with the evidence of three petitioners and recommended that these three be granted pass standing.

The Committee was not satisfied that the other three had established extenuating circumstances and did not recommend that they be granted pass standing.

THE REPORT WAS ADOPTED

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Mr. Carthy presented the Report of the Legal Education Committee of its meeting on Thursday, 12th June, 1980.

The following members were present: Mr. J. J. Carthy, Chairman, Messrs. Arthurs, Barr, Catzman, Doran, Ferrier, Genest, Ground, Lamont, Outerbridge, Scace, Mrs. R. M. Tait and Messrs. Thom and Wardlaw.

BAR ADMISSION COURSE
BUDGET ESTIMATES

The budget estimates for the Bar Admission Course for the year July 1st, 1980 to June 30th, 1981 were before the

Committee.

Approved

Professor Arthurs registered his abstention.

CONTINUING LEGAL EDUCATION BUDGET ESTIMATES

The budget estimates for continuing legal education for the year July 1st, 1980 to June 30th, 1981 were before the Committee.

Approved

REPORT OF THE PROFESSIONAL ORGANIZATIONS COMMITTEE

At its meeting on May 8th, 1980 the Committee considered the report of the Professional Organizations Committee with respect to the findings and recommendations of that Committee affecting the Bar Admission Course and continuing legal education. The Committee had before it a memorandum prepared by the Chairman of the relevant excerpts from the POC Report. The Committee commenced debate on the impact of the Report on legal education and adjourned the debate for further consideration at this meeting. In the interim, the following draft reports have been circulated to the members of the Committee for study:

(a) draft report prepared by the Chairman proposed to be made by the Legal Education Committee to the Special Liaison Committee of the Law Society on the POC Report;

(b) draft report prepared by the Chairman of the Sub-Committee on the Preferred Areas of Practice; and

(c) draft report dissenting from (b) prepared by a member of the said Sub-Committee.

All of the foregoing were before the Committee for consideration in the continuation of the debate on the POC Report, both with respect to its impact on the Bar Admission Course and on continuing legal education.

The Committee reported that it had referred to the Special Liaison Committee on the POC Report, the part of draft report (a) above, contained in the first four pages thereof and draft report (b) above, as modified by the action recommended by the Committee in the following item hereof.

SUB–COMMITTEE ON PREFERRED AREAS OF PRACTICE DRAFT REPORTS

The draft reports dealing with the preferred areas of practice plan referred to in (b) and (c) of the preceding item were before the Committee to be dealt with in the debate under that item.

The Committee recommended that approval in principle be given to the continuation of the preferred areas of practice plan during the initial pilot period of two years commencing January 1, 1980 and that the plan be monitored during that period and a full review of the plan be made thereafter.

The Committee further recommended that the details of the draft report prepared by the Chairman of the Sub-Committee on the Preferred Areas of Practice should *stand* for further study.

21ST BAR ADMISSION COURSE REPORT OF THE BOARD OF REVIEW FOR THE TEACHING TERM 1979–1980

The Board of Review made its final report for the teaching term of the 21st Bar Admission Course 1979–1980. The report was before the Committee.

Received

REPORT OF THE SUB–COMMITTEE ON FINANCING THE BAR ADMISSION COURSE

The report of the Sub-Committee on Financing the Bar Admission Course was before the Committee.

The Committee recommended that this item be *deferred* until the September meeting.

MARCH SPECIAL LECTURE SERIES, 1981

It was proposed that a Chairman and Vice-Chairman be appointed for the March Special Lecture Series, 1981 with power to add to their committee, to plan programmes and to fix dates for the March Special Lecture Series for the year 1981.

The Committee recommended that Mr. *Catzman* be appointed Chairman and Mr. *Doran* be appointed Vice-Chairman of the March Special Lecture Series for the year 1981 with power to add to their Committee.

BAR ADMISSION COURSE
CALL TO THE BAR 1981

It was proposed that candidates who successfully complete the 22nd Bar Admission Course should be called to the Bar on the following dates:

Toronto – Thursday, April 9th, 1981
– Friday, April 10th, 1981
Ottawa – Monday, April 13th, 1981
London – Wednesday, April 15th, 1981

It was further proposed that the Special Convocations for Call to the Bar in April 1981 be held at the following locations, subject to the availability to the Law Society of such locations on scheduled dates:

Toronto – O'Keefe Centre
Ottawa – Skyline Hotel
London – Centennial Hall

The Committee recommended that the dates for Call to the Bar in 1981 at Toronto, Ottawa and London be *approved* and that the locations for Call to the Bar in 1981 at Toronto, Ottawa and London be *deferred* until the September meeting.

CONTINUING LEGAL EDUCATION
STAFF

Two new positions are required to be filled in the continuing legal education office, namely, that of a new programme co-ordinator and that of a new clerk typist. It was proposed that these positions be filled and that the respective salaries be approved by the Finance Committee.

Approved

SPECIAL PETITIONS

Nineteen petitions were before the Committee. Two were appeals from failure in the 21st Bar Admission Course, and the Committee recommended that these be referred to the sittings of the Committee established to consider such appeals.

Thirteen petitioners sought permission to defer entry into the teaching term of the Bar Admission Course, two sought relief with respect to the articling requirement of the Course, one asked permission for the late filing of an application for admission as a student member together with supporting documents, fee and penalty and the last sought relief with respect to the five-year limitation period and the articling requirement of the Course. The Committee gave careful consideration to each of these petitions, recommended that thirteen be approved, three be denied and the last be approved with respect to granting leave to enter the Bar Admission Course but otherwise denied.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Education for the period from 1st July, 1979 to 31st May, 1980; and reviewed a statement setting out the Continuing Education Programmes presented during May, 1980 and the publications report for the month of May, 1980.

Discussion of the Report was adjourned until after luncheon. *(See p. 346)*

. . . .

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

. . . .

CONVOCATION RESUMED AT 2:00 P.M.

. . . .

PRESENT:

The Treasurer and Messrs. Arthurs, Barr, Brulé, Carthy, Cass, Catzman, Cooper, Doran, Farquharson, Fennell, Ferrier, Furlong, Ground, Lamont, Mrs. Legge, Messrs. McWilliams, Noble, O'Brien, Ogilvie, Ruby, Scace, Mesdames Sutherland and Tait, Messrs. Thom, Wardlaw, White, Willoughby and Yachetti.

....

LEGAL EDUCATION COMMITTEE (Continued)

Discussion of the Report resumed.

It was moved, seconded and *lost* that the item respecting *Draft Reports – Sub-Committee on Preferred Areas of Practice* be deleted.

THE REPORT WAS ADOPTED

....

PROFESSIONAL CONDUCT COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Wednesday, 4th June, 1980.

The following members were present: Messrs. Ground (Chairman), Catzman, Lamont, Lerner, Strauss and Mrs. Sutherland.

ASSIGNMENT OF ACCOUNTS RECEIVABLE

The Committee was requested by members for advice as to whether it would be proper to assign accounts receivable to (a) a chartered bank as part security for the law firm's line of credit, and (b) to the law firm's service corporations.

The Committee is of the opinion that neither the assignment of accounts to banks as security nor their assignment to service corporations contravenes the rules of professional conduct, subject to the qualification that the collection of such accounts is governed by the applicable provisions of The Solicitors Act.

LOCATION OF LAW OFFICES IN DEPARTMENT STORES

A member asked the Committee to consider a proposal whereby law offices would be located in the premises of a major department store chain.

In his submission, the member pointed out that there are significant portions of our population who seldom utilize the service of a lawyer. This is not always due to the fact these citizens have made a conscious effort not to employ a lawyer to handle their particular legal problem; it may be because they do not know a lawyer to contact and are afraid to resort to a telephone directory listing without further information; because they are unaware or uncertain about fees lawyers charge and are fearful that they may not be able to afford legal services; because they feel that their problem, while legal, is not of sufficient importance to justify the expense and trouble of obtaining and consulting with a lawyer; or because of a number of other reasons personal and unique to their background, situation, geographic location, age or economic condition.

The survey commissioned by the Osler Report indicated that although most clients would prefer going to a private downtown office, in some cases, primarily in large urban areas, the physical location of the offices of the private profession made them psychologically and physically inaccessible to the poor. Private offices located in the heart of the business community are not easily visible or accessible and the fact that most poor people come from a different socio-economic group than members of the private Bar further inhibits contact.

With the advent of more working mothers, the normal office hours observed by most law practices place a further barrier between society and the lawyer, and either force both the working parents to take time from their work or preclude them from contacting a lawyer at all.

The Osler Report, in summarizing, stated that the private office, the staffed neighbourhood legal aid clinic or the rotating panel would not compete but would act rather as complementary models, all of which are designated to remedy the chronic under-utilization of the profession and the law by the poor.

The Law Society, as a result of its different neighbourhood projects, has stated that there exists among the poor a need for advice and assistance, particularly of a summary nature. It is clear that a great many problems of the poor can be dealt with in a reasonably short period of time on an "advice only" basis. But in order to be effective, this service must be available and accessible.

The plan set out in the member's submission is as follows:

> "A dental group has now entered into an agreement with this Department Store, with the sanction of the Ontario Dental College, and will be opening its practice on June 1st, 1980.
>
> This plan is to have a segregated area of the store set up as 'Professional Offices' which will house the Law and Dental offices. Each office will be a self-contained private unit with its own security system.
>
> The Law office will be approximately 400-500 square feet and will contain two lawyers' offices, secretarial and reception space. The office will have a reasonably good library, including material emphasizing domestic and criminal law, landlord and tenant, workman's compensation and unemployment insurance, consumer law, highway traffic offences and general civic matters.
>
> The office will be staffed by two lawyers (the only partners in that firm) and one fulltime and part-time secretary.
>
> The office will be open the same hours as the main store, i.e. weekdays from 9:30 a.m. to 9:30 p.m., and Saturdays 9:30 a.m. to 6:00 p.m. The law office will also provide a twenty-four hour emergency phone number.
>
> The object of this practice is to provide first rate legal service to the segment of our society mentioned earlier, at reasonable, not cut-rate, fees. If possible, the office will allow clients to use credit cards.
>
> A company of law office management consultants, for an agreed-upon fee, will assist these lawyers in setting up their practice by providing such services as:
>
> i. Planning office layout;
> ii. Arranging and supervising construction of office;
> iii. Selecting furniture and equipment;
> iv. Organizing the administration of the office;
> v. Advising on tickler systems;
> vi. Assisting in selection of library;
> vii. Assisting to arrange suitable financing for the new practice; and
> viii. Providing general direction to the practice.

> It is our feeling that there is a place for a financially successful private law practice dealing with the 'moderate poor', which will be accessible to the public, and which will provide good quality legal service for reasonable fees."

The member advised the Committee that the company of consultants carries on a law office management consulting business and that the shares of the corporation are owned by the member and his partners. That corporation will negotiate the arrangements with the department store but the sub-leases will be sub-leases directly between the department store and the law firms involved. Neither the department store nor the corporation will have any indirect interest in the fee income of the law firms involved.

After a full discussion there were two motions before your Committee. The first was to the effect that the member's proposal was contrary to the provisions of Rule 13 and therefore should be rejected. The second was that in the Committee's view neither the physical arrangements of the law offices nor the objects described as i. to vii. set out above contravenes the rules of professional conduct of the Society. The object described as "viii. Providing general direction to the practice" may, however, contravene the rules of professional conduct. When put to a vote neither motion was able to obtain a majority and therefore did not pass.

It was moved in Convocation, seconded and *carried* that the member's proposal be approved.

THE REPORT AS AMENDED WAS ADOPTED

....

Mr. Ground presented the Report of the Professional Conduct Committee of its meeting on Thursday, 12th June, 1980.

The following members were present: Messrs. Ground (Chairman), Genest and Yachetti (Vice-Chairmen), Arthurs, Carnwath, Catzman, Lamont, McWilliams, Outerbridge, Strauss, Mrs. Sutherland and Mr. Wardlaw.

BANKRUPT SOLICITOR
SALE OF WILLS IN SOLICITOR'S CUSTODY BY TRUSTEE

This item formed part of the Committee's Report to Convocation for last month, but was returned by Convocation to the Committee for further consideration.

The Society was contacted by a solicitor for a member who had declared bankruptcy. The Trustee in Bankruptcy had seized certain of the files of the bankrupt solicitor. Arrangements had been made in regard to having files returned to clients or to solicitors of their choice. The Trustee in Bankruptcy was, however, planning to sell those files of the bankrupt solicitor which contained original Wills left by clients with the solicitor for safekeeping. The solicitor for the bankrupt contacted the Society and questioned the propriety of this action.

An opinion was obtained that a solicitor had no proprietary interest in a client's Will once his account had been paid. A client at any time could direct the solicitor to surrender the Will or transfer it to some third party for safekeeping.

The solicitor for the Trustee in Bankruptcy advised that while he was aware of the strict legal position, he was also aware that solicitors purchase and sell Wills files in the normal course of purchasing or selling law practices. He further advised that the value of a practice is usually calculated by reference to the number of original Wills contained in the solicitor's files. Accordingly, he felt that he should advise the Trustee in Bankruptcy to sell the Wills files to a willing solicitor. The solicitor for the Trustee further advised that the Wills would be sealed and that an undertaking would be obtained from the purchasing solicitor to write to the clients advising them of the fact that he was in possession of the Wills and asking for directions.

The Committee instructed the Secretary to advise the solicitor for the Trustee in Bankruptcy that there is no proprietary interest in Wills and therefore they cannot be sold. The Trustee should be further advised to inform the testators that he has in his possession their Wills and ask for their instructions.

The Committee recommended that consideration be given to amending Section 11 of the Regulation, which reads as follows:

> ### BANKRUPTCY
>
> 11.–(1) Every barrister and solicitor shall forthwith notify the Secretary of the receipt by him of a petition to declare him bankrupt or of the making by him of a general assignment for the benefit of his creditors.
>
> (2) From and after the date a barrister and solicitor is declared to be bankrupt or makes a general assignment for the benefit of his creditors and so long as he remains an undischarged bankrupt, he shall not without the written permission of Convocation or the Discipline Committee accept from or on behalf of clients any money or other property other than in payment of fees for services rendered or in reimbursement for money properly expended or expenses properly incurred on behalf of a client.
>
> (3) A member by becoming bankrupt under the *Bankruptcy Act* (Canada) may be guilty of conduct unbecoming a barrister and solicitor.

in order to provide that upon the bankruptcy of a solicitor the Society notifies those clients whose Wills and other property are in the possession of the solicitor of his bankruptcy and ask those clients for their instructions as to what should be done with their Wills or other property.

This matter having been given further consideration, as directed by Convocation, the Committee is of the opinion that the Trustee should not take possession of the solicitor's Wills and files or purport to sell the Wills, there being a professional obligation on the solicitor to retain custody, subject to the direction of the client. If the Trustee does seize them the solicitor should so advise his clients.

ORGANIZATION TO SUPPLY LAWYERS ON A TEMPORARY BASIS TO LAW FIRMS

An organization wrote to the Society to enquire as to the possibilities of supplying lawyers on a temporary basis to law firms. At the present time according to the company their service is the placement of temporary and contract staff in a wide area of technical and professional fields. The company would be the employer and would handle the recruiting, payroll, unemployment insurance, workman's compensation, payroll deductions for tax purposes and 4% vacation pay. The lawyer working for the law firm would fill out a weekly time sheet approved by the law firm. The company's fee would be included in the hourly rate given to the law firm. This rate would vary depending upon the education, skills and experience of the fieldstaff hired.

The Secretary should be directed to advise that the proposal is unobjectionable.

REPRESENTATION OF COMPANY, FATHER AND SON BY SOLICITOR AND/OR HIS LAW FIRM

The Committee had before it the following letter from a member:

> "We act for a family who we shall refer to as "X". Mr. X, Sr. has been a client of our office for a number of years and has been actively involved in the acquisition of small properties, the purchase of mortgages and financing of other properties of different natures. In the last three or four years, Mr. X, Sr. has become much less involved on a daily basis with company matters and has passed them over to his son. Three years ago we assisted our clients in a substantial corporate re-organization pursuant to section 86 of The Income Tax Act whereby father was able to exchange his common share in the family company for preferred shares and his son subscribed for common shares newly issued. Immediately subsequent to that re-organization the preferred shareholders were Mr. X, Sr. and his wife, holding 75% of the preferred shares and Mr. X, Jr. and his sister holding the remaining 25%. Mr. X, Jr. holds all the common shares and has continued to be the only common shareholder since the re-organization. Mr. X, Jr. has effectively taken over control of the company and has been running the company almost entirely without his father's contributions since the re-organization. The re-organization was undertaken for the purpose of transferring day to day operations to the son and thereby allowing the son to benefit from running the company with the accrual of profits earned by the company to his benefit through his common shareholdings. At the same time, a new Will was drafted and signed by Mr. X, Sr. providing for certain matters to take place on his death pursuing a course of tax planning which would minimize estate and income taxes. Other matters have been undertaken throughout the last three years with the ideas in mind to benefit the family assets to the greatest extent vis a vis the minimization of taxes. Most recently, father, being Mr. X, Sr. has executed another new Will under which he has divested his son of almost all of his estate leaving the bulk of his estate to his one and only daughter (you may have surmised by now that Mr. and Mrs. X, Sr. have two children being a son and a daughter). A senior member of this firm had handled the affairs of Mr. X, Sr. throughout the years. The writer undertook the capital re-organization and has continued to act for the companies of the family as well as for Mr. X, Jr. in most of his commercial transactions. The nature of our firm's relationship with our clients has been one of a weekly, if not, daily nature consulting with them on matters which would arise from time to time and which we would suggest that our clients review. A senior member of this firm drafted the most recent Will and

> attended to the execution of same with Mr. X, Sr. The writer had occasion to review the Will most recently at which time he discovered the substantial changes which were undertaken therein.
>
> Due to the nature of our relationship with our clients, particularly that of advising them on a continual basis of changes in the law and other matters which may arise which we can foresee and draw their attention to, we now find ourselves in a conflict position in advising both father and son as to the best course of action which they should undertake in their various business interests. Although father has become less and less involved in business transactions in the principal company, we have continued to advise the son to undertake certain steps which would benefit father's estate by reducing taxes which would be levied on the death of father. The nature of that advice now will have the effect of diluting the value of the main operating company and thereby increasing the value of the father's estate to the detriment of the son. It almost goes without saying that there are a number of unexplored areas which make it impossible to advise both father and son to the best of each of their interests.
>
> To our knowledge, the son is not aware of the changes in father's Will. It is an obvious understatement that when he becomes aware of those changes he will be enraged and particularly at ourselves for failing to direct his attention to those changes. We, of course, cannot draw those changes to his attention but in his best interests must now depart from advising him of the best method of handling certain matters concerning the company because of the dilution effect which that advice would have on the value of the company. This will undoubtedly raise questions in his mind, among other questions he may have, and it is to this that we are directing your attention and request your assistance."

After reviewing this matter, the Committee is of the view the Secretary should simply advise the solicitor that in the opinion of the Committee this is a conflict of interest situation.

BORROWING FROM CLIENTS
RULE 18

The February 1980 Report of the Discipline Committee dealt with the question of defalcations and made certain recommendations. In the Report that Committee expressed the opinion that borrowing from clients could be an element in a misappropriation. It was recommended that a lawyer be prohibited from borrowing money from his client except where the client is a lending institution, financial institution, insurance company, trust company or any similar corporation whose business is that of lending money to members of the public or "where in the case of a loan from a related person as defined by the Income Tax Act (Canada) the lawyer is able to discharge the onus of proving that the client's interests were fully protected by the nature of the case and by independent legal advice".

That Committee went on to suggest that this matter be referred to this Committee for an opinion.

The Committee recommended that the proposed amendment to Rule 18 be published, the profession being given until November to respond.

OTHER MATTERS

A number of other matters were considered with the appropriate instructions being issued in each instance.

THE REPORT WAS ADOPTED

....

Mr. Ground presented the Report of the Professional Conduct Committee of its meeting on Wednesday, 16th July, 1980.

The following members were present: Messrs. Ground (Chairman), Doran and Wardlaw (Vice-Chairmen), Carnwath, Catzman, Lamont, McWilliams, Outerbridge, Strauss and Mrs. Sutherland.

SOLICITOR ACTING FOR BANK AND BORROWER – UNDERTAKING REQUIRED BY BANK – RULE 5

In the Committee's January 1980 Report the following item was included:

> In the course of conducting an audit one of the Society's auditors came across a letter from a bank to the law firm concerned. This letter was advising the firm that certain borrowers from the bank, who were also clients of the firm, had requested the firm to also act on behalf of the bank in the mortgage loan. The letter set out the following undertaking to be signed by the lawyer handling the transaction: "In respect to the preparation and registration of the captioned mortgage loan, I hereby undertake to act firstly in the interests of (the Bank), and should any conflict of interest arise in the transaction, I will ensure the necessary steps are taken to protect the Bank's interest."
>
> The Committee's attention was also drawn to another bank's "requisition to solicitor for first mortgage" which states "you are requested to search title, arrange a first mortgage and complete documentation in respect

> to the attached application and authorization forms. Please observe our requirements as indicated below – (if you are also acting for the applicant, please confirm in writing that your prime responsibility is to the Bank and that the Bank's interest will be protected at all times)."
>
> The Committee is concerned that by giving the undertaking or assurance requested a lawyer would be in contravention of the provisions of Rule 5 of the Rules of Professional Conduct and in particular paragraph 4 of the Commentary thereto.

The Committee at that time indicated that a member would be informally contacting the law firms representing The Canadian Bankers' Association and The Trust Companies Association of Canada in order to express the Committee's concern. The Trust Companies Association has indicated that no such requests are made by its members. The Canadian Bankers' Association has agreed that were a lawyer to comply with such a request he could be in contravention of Rule 5 of the Rules of Professional Conduct. The two banks who had been stipulating such a requirement have now agreed to refrain from doing so. The Association has advised the remaining banks that they should in the future avoid putting such a requirement in their instructions to solicitors.

SUB–COMMITTEE TO CONSIDER COMMUNICATIONS WITH THE MEDIA AND CONTACTING THE PRESS – RULE 13

Sometime ago the Committee appointed a Sub-Committee to consider a question of communications with the media and contacting the press. About that time the Policy Section of the Discipline Committee appointed a Sub-Committee with similar terms of reference. It was decided by the then Chairmen of the two Committees that there should only be one Sub-Committee and that under the aegis of this Committee. The Sub-Committee has reported.

This Committee recommended that the following paragraphs be added to the Commentary to Rule 13 which deals with the making available of legal services:

> 18.(a) A lawyer should not initiate contact with the news media on behalf of himself in respect of any cause or matter which is, or which reasonably may become, a cause or matter in which he is involved in his professional capacity. Furthermore, a lawyer should not, whether he initiates contact with the news media or is contacted by them, use that opportunity to publicize himself. The lawyer may initiate contact

> with the media for the purpose of requesting a correction of any published error relating to his conduct, the conduct of his client or the cause or matter involved. The lawyer should be careful not to make any statement to the media which could constitute contempt of court.
>
> (b) A lawyer contacted by the media for a personal interview concerning his own career may grant such an interview provided that he conducts himself in such interview in a manner consistent with the Rules of Professional Conduct."

REAL ESTATE TRANSACTIONS – MANDATORY CERTIFICATION OF SOLICITOR'S TRUST CHEQUES – ACCEPTANCE OF SOLICITOR'S UNDERTAKING – RULES 8, 16

In the May 1979 issue of the Communiqué there appeared the following item:

> "The Benchers discussed whether it should be mandatory that solicitor's trust cheques tendered in real estate transactions be certified and whether a solicitor should accept an undertaking from another member that a mortgage will be discharged or the like. These questions will be considered by the Professional Conduct Committee and the views of the profession are invited."

Mr. Stanley Fennell was subsequently asked to review the letters received from members in response to this item. The relevant portion of his review is as follows:

> " I have reviewed these letters and while your letter specifically asks me to review the matter of certified cheques, I have also reviewed the question of undertakings as this appears to be part of the original inquiry and part of the report to Convocation.
>
> *Certified cheques:*
>
> I am not aware of any professional conduct rule relating to the tendering or the acceptance of certified cheques or otherwise. Rather, it appears that this is basically a client's right. Most Ontario Agreements of Purchase and Sale provide that the money is to be paid in Canadian funds; this is qualified in a later paragraph providing that any tender of money may be made by bank draft or cheque certified by a chartered bank, trust company or Province of Ontario Savings Office. This is the client's right and a solicitor who waives his client's rights without authority does so at his peril. Notwithstanding this, there has grown in Ontario a widespread practice, particularly in the counties outside the large cities, of accepting a solicitor's cheque drawn on his trust account as if it were a certified cheque. Occasionally, and I believe very rarely, there have been complaints of such cheques being dishonoured but for every problem, there are literally thousands of transactions completed on the basis of an uncertified cheque drawn on a solicitor's trust account.

The response to the Secretary's office in reply to Communiqué No. 89 of May 18th, 1979 indicates, in the ratio of two to one, that there should not be a professional conduct rule which would require that all cheques on closing be certified.

I suggest to the Committee that

(i) it does not seem desirable to have a rule relating to certification of cheques on closings, and

(ii) the President of the local Law Association who made the inquiry should be advised that it is not mandatory that cheques be certified on closings; that basically this appears to be a client's right and where a solicitor deviates from his client's rights without express authority, he does so at his risk, even if the uncertified cheque is drawn on another solicitor's trust account.

It would not be prudent to offer any opinion as to whether Errors and Omissions coverage would be available in the event of difficulty. The facts of each particular case would have to be known before an opinion would have any validity.

Undertakings:

The question asked about personal undertakings from another solicitor raises two questions: firstly, to what extent a solicitor accepts an undertaking at his peril, and secondly, in the event of default, is there recourse against the solicitor's insurance coverage who gives the undertaking and defaults under it?

Professional Conduct Rule No. 16, paragraph 6, is as follows:

> "6. The lawyer should give no undertaking he cannot fulfill and he should fulfill every undertaking he gives. Undertakings should be written or confirmed in writing and they should be absolutely unambiguous in their terms. If the lawyer giving an undertaking does not intend to accept personal responsibility, he should state this quite clearly in the undertaking itself. In the absence of such a statement, the person to whom the undertaking is given is entitled to expect that the lawyer giving it will honour it personally. The use of such words as 'on behalf of my client' or 'on behalf of the vendor' does not relieve the lawyer giving the undertaking, of personal responsibility."

Most Agreements of Purchase and Sale provide that "...the title is good and free from encumbrances...". A strict interpretation of this would require that on closing, the vendor must produce a discharge of every mortgage and the payment of all taxes, etc. to date. In the complicated commercial world in which solicitors operate, this is the exception rather than the rule. Generally, solicitors have rendered good service to their clients by using undertakings so that the purchase money can be used to pay off encumbrances and clear title. There have been complaints regarding the delay in discharging undertakings and in the failure to discharge undertakings. I venture the opinion that for every complaint, there are thousands of undertakings discharged promptly and satisfactorily.

The response to the Communiqué, above referred to, on this matter, indicates that the profession do not wish any change and this in the ratio of three to one. The minority, while suggesting that undertakings should not be given, suggest alternate remedies, some of which would be difficult to achieve.

Solicitors' undertakings go far beyond a rule of professional conduct. There is a substantial body of law dealing with this subject. Generally speaking, the profession and the public regard a solicitor's undertaking in almost the same terms as they regard a solicitor's trust account. In litigation, Professional Conduct Rule No. 8, paragraph 11, is as follows:

> "11. An undertaking given by the lawyer to the court or to another lawyer in the course of litigation must be strictly and scrupulously carried out. Unless clearly qualified, the lawyer's undertaking is his personal promise and responsibility."

The standard in non-litigious matters should be no less.

I suggest to the Committee that

(i) there should be no change in the present ruling with regard to undertakings, and

(ii) the President of the Local Law Association who made the inquiry should be advised that the delivery of undertakings and the acceptance of them is part of the practice of law; that a prudent solicitor will obtain clear instructions from his client if he considers that his position is a risky one; that if a solicitor defaults on his undertaking, the remedy in the first instance is against the solicitor."

The Committee accepted the suggestions made by Mr. Fennell.

CERTIFICATE OF INDEPENDENT LEGAL ADVICE – RULE 5

A member of the profession wrote to the Committee advising that a corporation in which he has a personal interest intends to loan money in the future to clients of the law firm. He asked whether the Certificate of Independent Legal Advice set out below would be adequate in the circumstances.

RE: Mortgage From

WHEREAS the undersigned has consulted the Law Firm of . . . . in the past and the Mortgagee is or has been a client of the Law Firm of . . . .

I . . . . have been consulted by . . . .,the mortgagor herein, to advise with regard to signing the above mentioned mortgage in the amount of . . . . in favour of . . . .

I have fully explained and informed the above named mortgagor of the consequences of the said mortgage, the nature and effect thereof and of the liability and obligations incurred therein, both as to personal liability and liability affecting real and personal property already or hereinafter to be acquired by the mortgagor.

The mortgagor expressed to me an understanding and appeared to fully understand this mortgage transaction and the nature and extent of the liabilities upon the subject property incurred by entering into the obligations referred to herein.

I believe that upon entering into the said obligations as herein mentioned, the mortgagor was fully advised and informed with regard to all the foregoing matters mentioned and may be fairly said to have acted independently therein.

DATED AT . . . ., Ontario this . . . day of . . . ., 1980.

. . . .
SOLICITOR

The Committee is of the opinion that provided the certificate is amended to set out the terms of the mortgage, the costs involved, that the proposed mortgagor is aware that his or her lawyer has an interest in the mortgagee corporation and that the lawyer providing the certificate complies with the provisions of Rule 5.8(c) of the Rules of Professional Conduct, there would be nothing objectionable in the mortgage corporation making loans to the solicitor's clients and the solicitor continuing to act.

MORTGAGE BROKER'S CIRCULAR – SOLICITOR TO ACT FOR BROKER AND BORROWER – RULE 5

A member of the profession forwarded to the Committee a circular that had been mailed to one of his clients by a local mortgage brokerage firm. This circular read as follows:

> "Dear Mr. or Ms. Solicitor:
>
> Our business is MORTGAGE FUNDING. We are fully equipped to handle mortgages of all types on behalf of individual clients, as well as portfolios for which we are principals.
>
> Undoubtedly, you have frequent requests from clients in need of mortgage funds, as well as other clients with funds available for Investment. These might conceivably be requests, which for various reasons you are not able to accommodate immediately.
>
> Please consider developing your mortgage proposals with us. On all such referrals, we will of course assume that you will act on our behalf.
>
> May we please hear from you on any mortgage matter that may occur, for same day commitments?"

The Committee is disturbed by the assumption made in the circular that the solicitor will act for both the mortgage broker and the borrower. The Committee recommended that the attention of the profession be drawn to the existence of this type of circular, it being pointed out that members should at all times comply with the provisions of Rule 5 and the Commentary thereto of the Rules of Professional Conduct which deals with impartiality and conflict of interest.

PROPOSED PANEL OF LAWYERS SET UP BY ASSOCIATION TO REPRESENT ITS MEMBERS – RULE 13

An Association wrote to the Society advising that it had written a series of letters to lawyers throughout the Province extending an invitation to be on a panel from which members of the association who did not know of a suitable lawyer could obtain legal representation. The association's law firm suggested that lawyers indicating their agreement to participate in such a panel might be running afoul of certain of the Society's Rules of Professional Conduct.

The association indicated that the criterion used in choosing the lawyers to whom it had written was more or less exclusively the belief that those lawyers had expertise and experience of such a nature as to ensure that they would be capable of providing "first rate legal assistance" to the association's members. The association in the circular acknowledged that its members had the right to choose any lawyer that they wished whether he or she was on the panel or not. The Secretary was instructed to advise the association that the proposed panel could not be considered as acceptable since for a lawyer to be on such a panel could be considered a contravention of paragraph 17, sub-paragraphs (f) and (g), to Rule 13 which reads as follows:

> "17. A lawyer should not:
>
> . . .
>
> (f) arrange for or encourage any other person (e.g. real estate agent) to make a practice of recommending to any party that the lawyer's services be retained;
>
> (g) act for or accept a brief from, or on behalf of a member of a club or organization, as for example an automobile club which

> makes a practice of 'steering' its members, provided that a lawyer may assist a community social agency by providing legal advice or service on a gratuitous basis for persons falling within the scope of the agency's activities."

OTHER MATTERS

A number of other matters were considered with the appropriate instructions being issued in each instance.

THE REPORT WAS ADOPTED

. . . .

CONVOCATION ROSE AT 4:10 P.M.

. . . .

Confirmed in Convocation 19th September, 1980.

J. D. BOWLBY
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Thursday, 18th September, 1980
10:00 a.m.

PRESENT:

The Treasurer (Mr. J. D. Bowlby) and Messrs. Arthurs, Barr, Brulé, Carter, Catzman, Doran, Ferrier, Finlayson, Furlong, Genest, Lamont, Mrs. Legge, Messrs. Lerner, McWilliams, O'Brien, Ogilvie, Outerbridge, Scace, Shaffer, Mesdames Sutherland and Tait, Messrs. Tebbutt, Thom, Wardlaw, White, Willoughby and Yachetti.

....

ELECTION OF CHAIRMAN OF THE DISCIPLINE COMMITTEE

The Treasurer drew to Convocation's attention the vacancy in the chairmanship of the Discipline Committee following the appointment of His Honour Judge J. D. Carnwath to the Bench.

CONVOCATION STOOD ADJOURNED to permit the Discipline Committee to elect a Chairman.

It was moved in Committee, seconded and *carried* that Mr. *Pierre Genest* be elected as Chairman of the Discipline Committee.

CONVOCATION RESUMED and the result of the election was noted.

....

ADMISSIONS COMMITTEE—Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 11th September, 1980, with respect to nine candidates for Call to the Bar on Thursday, 18th September, 1980.

The following members were present: Mrs. L. L. Legge (Chairman), Messrs. Cass, Chilcott, Ferrier, Ground, Lamont, Pepper, Scace, Mrs. Sutherland and Mr. White.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

The following candidates, having successfully completed the twenty-first Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for Call to the Bar and to be granted Certificates of Fitness:

Judith Helena Clarkson
David Allan Klein
Norman Earl Long
Norman Richard Pattison Young

Transfer from another Province

The following candidates, having passed the examination set by the Examining Board, filed the necessary documents and paid the required fee of $441, applied for Call to the Bar and to be granted Certificates of Fitness:

Victoria Margaret Racine Cox	Province of British Columbia
Daniel Charles Joseph Préfontaine	Province of Quebec

The following candidates, having passed the comprehensive examination on common law and the examination set by the Examining Board, filed the necessary documents and paid the required fee of $541, applied for Call to the Bar and to be granted Certificates of Fitness:

Christopher Portner	Province of Quebec
Richard William Duncan Pound	Province of Quebec
Ian Baillie Taylor	Province of Quebec

Approved

THE REPORT WAS ADOPTED

....

REPORTER

The reporter was sworn.

....

DISCIPLINE COMMITTEE–Mr. Genest

Re: BERNARD ARON, Toronto

Mr. Pierre Genest, Chairman, placed the matter before Convocation.

Mr. Furlong withdrew from Convocation, took no part in the discussion and did not vote.

The solicitor attended with his counsel, Mr. Donald E. Short. Mr. Stephen M. Grant represented the Society.

Convocation had before it the Report of the Discipline Committee, dated 25th August, 1980, together with an Affidavit of Service, dated 27th August, 1980, by Brian Ross Fraser, that service had been effected upon the solicitor by registered mail on 26th August, 1980 (*marked as Exhibit 1*).

On consent of counsel, the reading of the Report of the Discipline Committee, which had been sent to the Benchers prior to Convocation, was waived.

The Report found that the solicitor was guilty of professional misconduct.

Mr. Grant requested an adjournment so that transcripts of certain evidence could be obtained.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the matter be adjourned to the Regular Convocation on 17th October, 1980.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were informed of the adjournment that Convocation had granted.

The solicitor and counsel retired.

....

Re: FRANCOIS GAETAN LEGAULT, Sudbury

Mr. Genest placed the matter before Convocation.

The solicitor attended with his counsel, Mr. Robert C. Topp. The Society was represented by Mr. Brian P. Bellmore.

Convocation had before it the Report of the Discipline

Committee, dated 27th August, 1980, together with an Affidavit of Service, dated 12th September, 1980, by Brian R. Fraser, that service had been effected upon the solicitor by registered mail on 3rd September, 1980 (*marked as Exhibit 1*).

On consent of counsel, the reading of the Report of the Discipline Committee, which had been sent to the Benchers prior to Convocation, was waived.

The Report found that the solicitor was guilty of professional misconduct. He had failed to reply to letters from the Society respecting a complaint against his professional misconduct.

Mr. Topp made no objection to the Report.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 27th August, 1980, be accepted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Report had been accepted.

Convocation was advised that the Recommendation as to Penalty of the Discipline Committee was that the solicitor be reprimanded in Convocation.

Mr. Topp made submissions as to penalty and advised Convocation that the solicitor is not practising and has submitted a request to be permitted to resign.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that the solicitor be reprimanded in Convocation.

The solicitor, counsel and the reporter returned.

Mr. Topp replied to questions put by members of Convocation.

The solictior, counsel and the reporter withdrew.

It was moved and seconded that Convocation by Order suspend the solicitor for a period of two months.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the two motions before Convocation, and that the solicitor may have an adjournment because one of the motions would impose a more severe penalty than the one the Discipline Committee recommended.

The solicitor, counsel and the reporter withdrew.

All returned.

Mr. Topp advised Convocation that he wished to proceed and made further submissions as to penalty.

Mr. Bellmore made no submissions.

The solicitor, counsel and the reporter withdrew.

The motion that the solicitor be suspended for two months was *lost*.

The motion that the solicitor be reprimanded in Convocation was *carried*.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motion that was carried and the solicitor was informed of his right of appeal. The solicitor waived his right of appeal and requested that the Order of Reprimand in Convocation be carried out forthwith.

Counsel and the reporter retired.

The Treasurer reprimanded the solicitor.

The solicitor retired.

. . . .

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Judith Helena Clarkson
David Allan Klein
Norman Earl Long
Norman Richard Pattison Young
Victoria Margaret Racine Cox
Daniel Charles Joseph Préfontaine
Christopher Portner
Richard William Duncan Pound
Ian Baillie Taylor

. . . .

REPORTER

The reporter returned.

. . . .

DISCIPLINE COMMITTEE (Continued)

Re: GARY JAMES HENRY, Dunnville

Mr. Genest placed the matter before Convocation.

Messrs. Furlong and Yachetti withdrew, took no part in the discussion and did not vote.

The solicitor did not attend. Mr. J. Douglas Crane, Q.C. appeared on the solicitor's behalf and Mr. John A.B. Macdonald appeared for the Society.

Convocation had before it the Report of the Discipline Committee, dated 12th August, 1980, together with an Affidavit of Service, dated 15th August, 1980, by Kevin John Jardine, that service had been effected upon the solicitor by registered mail on 14th August, 1980 (*marked as Exhibit 1*).

Mr. Crane asked that the matter be referred back to the Discipline Committee so that further evidence could be presented.

Mr. Macdonald made submissions opposing the granting of the request that the matter be referred back to the Committee.

Counsel and the reporter withdrew.

It was moved and seconded that the request be denied and that Convocation proceed.

It was moved and seconded that the matter be referred back to the Discipline Committee and the Complaint be amended, as agreed to by Mr. Crane, to "professional misconduct".

The motion that the request be denied was *carried*.

The motion that the matter be referred back to the Committee and the Complaint amended was *not put*.

Counsel and the reporter returned.

Counsel were advised that the matter would proceed.

Mr. Crane acknowledged that the solicitor had received the Report of the Discipline Committee.

On consent of counsel, Convocation waived the reading of the Report of the Discipline Committee, which had been circulated to the Benchers before Convocation.

The Report found that the solicitor was guilty of conduct unbecoming a barrister and solicitor. He had misapplied over $40,000 of a client's funds, failed to maintain trust balances sufficient to meet his trust obligations and failed to keep proper books.

Counsel and the reporter withdrew.

It was moved and seconded that the Report of the Discipline Committee, dated 12th August, 1980, be accepted.

It was moved and seconded that the said Report be *not accepted*.

The motion that the report be accepted was *carried*.

The motion that the report be not accepted was *not put*.

Counsel and the reporter returned.

Counsel were advised of the motion that had been carried by Convocation.

Convocation was advised that the Recommendation as to Penalty of the Discipline Committee was that Convocation by Order disbar the solicitor.

Mr. Crane made submissions as to penalty and presented three letters respecting the solicitor's character and integrity, two dated 4th and 28th July, 1980 respectively from Mr. Clifford K. Kennedy, Q.C., and one dated 3rd September, 1980, from Mr. K. G. R. Gwynne-Timothy, Q.C. (*marked as Exhibits 2, 3 and 4*).

Mr. Macdonald made submissions respecting penalty.

Counsel and the reporter withdrew.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

It was moved and seconded that Convocation by Order suspend the solicitor for a period of one year.

Counsel and the reporter returned.

Counsel were advised of the two motions before Convocation.

Counsel and the reporter withdrew.

The motion that the solicitor be disbarred was *carried.*

The motion that the solicitor be suspended was *not put.*

Counsel and the reporter returned.

Counsel were advised that the motion to disbar had been *carried.*

Counsel and the reporter withdrew.

....

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:35 P.M.

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The Treasurer and Benchers had as their guests for luncheon Mr. Earl A. Cherniak, Q.C., Mr. J. W. O'Brien, Q.C., President of The Advocates' Society, Mr. Ronald G. Thomas, Q.C., President of the Criminal Lawyers Association, and Miss A. Rosemary McCormick, Chief Librarian of the Great Library.

Miss McCormick will retire as Chief Librarian on 1st October, 1980. She joined the Great Library staff in 1960 and was appointed Chief Librarian in 1965. In recognition of her diligent service to the Great Library and to the profession, the Treasurer presented Miss McCormick with a gold pendant watch.

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CONVOCATION RESUMED AT 2:30 P.M.

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PRESENT:

The Treasurer and Messrs. Arthurs, Barr, Brulé, Carter, Catzman, Doran, Ferrier, Finlayson, Furlong, Genest, Humphrey, Lamont, Mrs. Legge, Messrs. Lerner, Maloney, McWilliams, O'Brien, Ogilvie, Shaffer, Mesdames Sutherland and Tait, Messrs. Tebbutt, Thom, Wardlaw, White, Willoughby and Yachetti.

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ADMISSIONS COMMITTEE (Continued)

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meetings on Tuesday, 17th June, and Tuesday, 8th July, 1980, with respect to the application for readmission of *George John Majic*.

The Committee, composed of Mrs. Legge (Chairman), Mr. Pepper, Mr. Lamont and Mrs. Sutherland, sat on Tuesday, June 17, 1980, and Tuesday, July 8, 1980, to hear the application of George John Majic for readmission as a member of the Society. Mr. Ferrier sat the first day of hearing only and therefore did not take part in the decision. Mr. Majic was represented by Mr. Michael A. Wadsworth and the Society was represented by Mr. Thomas Lockwood.

George John Majic was called to the Bar on June 29, 1949 and practised in Sault Ste. Marie. In December 1962 he was disbarred for misappropriating clients' trust funds. The Decision of the Discipline Committee dated November 30, 1962 was filed as an exhibit.

The applicant was convicted in 1962 on eleven counts of theft over $200 and was sentenced to two years imprisonment. In 1979 he was granted a pardon under The Criminal Records Act.

Evidence was introduced that approximately $142,000 was paid out of the Compensation Fund in respect of the applicant's misappropriation of clients' funds. The applicant admitted that he had not reimbursed the Fund for any of this amount. Counsel for the applicant contended that while the readmission procedures adopted by Convocation in 1972 stipulate the applicant must reimburse the Fund in full, this should not be a condition precedent for readmission. Counsel stated there was evidence of unusual and extenuating circumstances in this case for not demanding repayment.

The applicant testified that his disbarment followed a collapse of a number of business ventures with which he had become involved resulting in a loss of all his assets. Following his release from prison, he returned to Sault Ste. Marie where he was employed for four years as a taxi driver and for four years as a bookkeeper for a Mr. Belanger. Subsequently, he operated a delivery and sightseeing service in Sault Ste. Marie. He stated he was unable to save any money from the income he received to repay the Fund as he had a family to support. Further, he stated that he was not able to reimburse the Fund on the type of employment he had been able to obtain since his disbarment. If he were readmitted, he felt that he would be able to reimburse the Fund and he submitted that he would agree to a repayment programme.

A petition supporting the application for readmission was introduced. The petition was signed by approximately 2,000 persons from the Sault Ste. Marie community. The applicant stated that he was not instrumental in obtaining the signatures which represented a wide cross-section of the local community. The Committee was advised that some of the signatures were from persons who had suffered losses as a result of the applicant's improper conduct.

Paul Bregman, a lawyer practising in Ottawa, appeared to give evidence supporting the application and stated that he appeared on his own volition after seeing the notice in the Ontario Reports. Mr. Bregman stated he grew up in Sault Ste. Marie and met the applicant in the early 70's when Mr. Majic was in the sightseeing business and he was running a tourist information service in Sault St. Marie. Mr. Bregman felt Mr. Majic had paid his dues to society and had rehabilitated himself sufficiently to warrant readmission.

George Janesco, a well known broadcaster and community worker for the Sault Ste. Marie area, was called in support of Mr. Majic's application. He stated that at the time of the disbarment in 1962, the community was shocked by the horrendous losses caused by the applicant's conduct and the reputation of the legal profession suffered as a result. However, it was his opinion that the general view of the community now is that the applicant has suffered enough. He stated it was to Mr. Majic's credit that he returned to the Sault after his imprisonment and functioned there in a visible way, operating his sightseeing and courier services.

Mr. Henry Lang, Q.C., a lawyer practising in the Sault area since 1952, testified both as a member of the Algoma District Law Association and from his own personal knowledge of the applicant. He reported that the Algoma District Law Association had held a general membership meeting on June 10, 1980 at which a resolution was passed opposing the application of Mr. Majic for readmission. A letter to this effect from the Secretary of the association was filed as an exhibit. A further meeting of the Association was held on June 19, 1980. Mr. Lang reported that the opposition to the application from the Algoma District Law · Association was unanimous. The legal community's reputation is still suffering as a result of the widespread damage caused by the applicant and the Association members are concerned about future wrongdoing. Mr. Lang stated that he has known the applicant personally since high school days and was of the opinion that the applicant's personality was not suited to the practice of law. Mr. Lang stated that in his opinion the applicant has a tendency to try to manipulate people for his own benefit.

His Honour Judge Dunlop appeared to give evidence for the applicant. He felt that Mr. Majic should be given an opportunity to practise law again as His Honour felt that the applicant was completely rehabilitated.

Letters of recommendation from residents, politicians, church spokesmen and judges from the Sault Ste. Marie community complimenting Mr. Majic's efforts to rehabilitate himself were filed as exhibits. There were also letters from judges, lawyers and a former business partner of the applicant opposing the application.

Counsel for the applicant argued that it had been impossible for the applicant to reimburse the Fund on the income he had been able to sustain since his disbarment. He submitted that reimbursement could only be achieved if the applicant were readmitted. He submitted that the evidence shows the applicant has been accepted by the community and the community is now prepared to give him a second chance.

It is this Committee's opinion that only in truly exceptional circumstances should reimbursement of the Compensation Fund not be required on a readmission application. The Committee is not convinced that there are exceptional circumstances in this case. The Committee thinks it unlikely that the applicant, who is now 58 years of age and has not practised law since 1962, would ever be able to repay the $142,000 paid out of the Fund. The Committee decided that in view of the high duty that the Law Society owes to protect the public, it cannot recommend Mr. Majic's readmission. The Committee was not satisfied that the applicant, faced with temptation, would not misappropriate funds again. Moreover, the applicant has made not attempt, however insignificant, to reimburse the Fund. The Committee is also loath to consider readmission in face of the strong opposition by the local Bar. In Mr. Lang's words, it would be a disaster for the relationship with the Algoma Bar if this man was readmitted.

It is therefore the Committee's recommendation that the applicant not be readmitted to membership in the Society.

The applicant attended before Convocation with his counsel, Mr. Michael A. Wadsworth. Mr. Thomas J. Lockwood represented the Society.

The reporter returned.

Mr. Wadsworth made submissions.

Mr. Lockwood made submissions.

Mr. Wadsworth made submissions in reply.

The applicant, counsel and the reporter withdrew.

THE REPORT WAS ADOPTED

The applicant, counsel and the reporter returned.

The applicant and counsel were advised that the Report had been adopted by Convocation.

The applicant and counsel retired.

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DISCIPLINE COMMITTEE (Continued)

Re: PETER ANTHONY EICKMEIER, Grimsby

Mr. Genest placed the matter before Convocation.

Mr. Ogilvie withdrew from Convocation, took no part in the discussions and did not vote.

The solicitor did not attend nor did anyone on his behalf. Mr. Brian P. Bellmore appeared for the Society.

Convocation had before it the Report of the Discipline Committee, dated 28th August, 1980, together with an Affidavit of Service, dated 2nd September, 1980, by R. Bruce Cameron, that service had been effected personally upon the solicitor on 2nd September, 1980, and an acknowledgment of such service signed by the solicitor and dated 2nd September, 1980 (*marked as Exhibit 1*).

The Report having been circulated to all members of the Bench prior to Convocation, it was not read.

The Report of the Discipline Committee found that the solicitor was guilty of professional misconduct. He had failed to account to a client for more than $20,000 over which he held a power of attorney.

Counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 28th August, 1980, be accepted.

Counsel and the reporter returned.

Counsel was advised that Convocation had accepted the Report.

Convocation was informed that the Recommendation as to Penalty of the Discipline Committee was that the solicitor be disbarred.

Mr. Bellmore made submissions as to penalty.

Counsel and the reporter *withdrew*.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

Counsel and the reporter returned.

Counsel was advised of the result.

Counsel retired.

. . . .

Re: PETER CSONT, Waterloo

Mr. Genest placed the matter before Convocation.

Messrs. Carter and Finlayson withdrew from Convocation, took no part in the discussions and did not vote.

The solicitor attended with his counsel, Mr. John I. Laskin. The Society was represented by Mr. Brian P. Bellmore.

Convocation had before it the Report of the Discipline Committee, dated 12th September, 1980, together with an Admission of Service, dated 12th September, 1980, signed on behalf of Messrs. Laskin, Jack & Horton, solicitors for Peter Csont (*marked Exhibit 1*).

Mr. Laskin confirmed acceptance of short service, waived the reading of the Report which had been circulated to all members of the Bench, and stated that he did not dispute the Report.

The Report of the Discipline Committee found that the solicitor was guilty of professional misconduct. In 1972 and 1973 he had helped to destroy some documents and to prepare others which assisted a corporation to evade payment of income taxes, and in 1974 gave false evidence before the Securities Commission concerning the transaction.

The solicitor, counsel and the reporter *withdrew*.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 12th September, 1980, be accepted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that Convocation had accepted the Report.

Convocation was informed that the Recommendation as to Penalty of the Discipline Committee was that the solicitor be reprimanded in Convocation and required to pay all costs.

Mr. Laskin made no submissions as to penalty.

The solicitor, counsel and the reporter withdrew.

The following motions, duly moved and seconded, were placed before Convocation:

1. That Convocation by Order reprimand the solicitor in Convocation and require him to pay the costs of the Society's investigation.
2. That Convocation by Order suspend the solicitor from the practice of law for a period of one year.
3. That Convocation by Order suspend the solicitor from the practice of law for a period of three months and require him to pay the costs of the Society's investigation.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motions respecting penalty before Convocation and that the solicitor may have an adjournment to prepare his submissions respecting penalty because two of the motions would impose a greater penalty than that recommended by the Discipline Committee.

The solicitor, counsel and the reporter withdrew.

They returned.

Mr. Laskin requested an adjournment to the Regular Convocation on 17th October, 1980.

Convocation adjourned the matter accordingly.

The solicitor and counsel retired.

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Re: GORDON JOSEPH CIGLEN, Toronto

Mr. Genest placed the matter before Convocation.

Mr. McWilliams withdrew from Convocation, took no part in the discussions and did not vote. Mr. Finlayson was not present.

The solicitor attended with his counsel, Mr. D. H. R. Heather, Q.C. Mr. Brian P. Bellmore represented the Society.

Convocation had before it the Report of the Discipline Committee, dated 30th July, 1980, together with an Affidavit of Service, dated 12th September, 1980, by Brian Ross Fraser, that service had been effected upon the solicitor by registered mail on 2nd September, 1980 (*marked as Exhibit 1*).

Mr. Heather waived the reading of the Report which had been sent to all members of the Bench prior to Convocation and accepted the Report.

The Report of the Discipline Committee found that the solicitor was guilty of professional misconduct. He had been involved in a plan to enable a company to evade payment of a substantial amount of income tax which involved the fabrication of a transaction, the destruction of some documents and the preparation of other documents which were used to make a false representation.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 30th July, 1980 be accepted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Report had been accepted by Convocation.

Convocation was advised that the Recommendation as to Penalty of the Discipline Committee was that the solicitor be reprimanded in Convocation and be required to pay the expenses of the Society for its investigation to the extent of $2,000 with liberal payment terms if required.

Mr. Heather made submissions as to penalty.

Mr. Bellmore made submissions.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that Convocation by Order reprimand the solicitor in Convocation and require him to pay the expenses of the Society's investigation to the extent of

$2,000.

It was moved and seconded that Convocation by Order suspend the solicitor from the practice of law for a period of one year and require him to pay the expenses of the Society's investigation.

It was moved and seconded that Convocation by Order suspend the solicitor for a period of three months and require him to pay the expenses of the Society's investigation.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motions as to penalty before Convocation and that the solicitor is entitled to an adjournment to prepare his submissions with respect to penalty because a penalty more severe than that recommended by the Discipline Committee was moved in two of the motions.

The solicitor, counsel and the reporter withdrew.

They returned.

Mr. Heather elected to proceed and made submissions as to penalty.

Mr. Bellmore made no submissions.

The solicitor, counsel and the reporter withdrew.

The first motion that the solicitor be reprimanded in Convocation and required to pay the Society's expenses to the extent of $2,000 was *not put*.

The second motion that the solicitor be suspended for a period of one year and required to pay the Society's expenses was *lost*.

The motion that the solicitor be suspended for a period of three months and required to pay the Society's expenses was *carried*.

In reaching this conclusion Convocation took into consideration certain medical evidence relating to the solicitor's condition at the time of the offence in 1972.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the result.

The solicitor, counsel and the reporter retired.

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CONVOCATION ROSE AT 5:07 P.M.

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Confirmed in Convocation 17th October, 1980.

J. D. BOWLBY
Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 19th September, 1980
10:00 a.m.

PRESENT:

The Treasurer (Mr. J. D. Bowlby) and Messrs. Arthurs, Barr, Bragagnolo (after his election), Brulé, Bynoe, Cass, Catzman, Chadwick, Chilcott, Cooper, Doran, Fennell, Ferrier, Finlayson, Furlong, Genest, Ground, Guthrie, Henderson, Humphrey, Lamont, Mrs. Legge, Messrs. Lerner, Maloney, The Honourable Roy McMurtry, Mr. McWilliams, The Right Honourable Roland Michener, Messrs. O'Brien, Ogilvie, Outerbridge, Pepper, Robinette, Scace, Sheard, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wardlaw, White, Willoughby and Yachetti.

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MINUTES

The Minutes of Convocation of 20th June, 1980 and of Special Convocation of 17th July, 1980 were confirmed.

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ELECTION OF BENCHER RINO C. BRAGAGNOLO, Q.C.

A vacancy having been caused in Convocation by the elevation of His Honour Judge James D. Carnwath to the Bench, Convocation proceeded to elect a qualified candidate in accordance with the provisions of Section 22(2) of The Law Society Act.

It was moved, seconded and *carried* that Mr. *Rino Charles Bragagnolo* of Timmins be elected to fill the vacancy in Convocation.

Mr. Bragagnolo entered Convocation and was welcomed to the Bench by the Treasurer.

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APPOINTMENTS TO STANDING COMMITTEES

It was moved, seconded and *carried* that Mr. *G. D. Finlayson* be appointed to the following Committees: Admissions, Finance and Discipline Policy Section.

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MOTION: MISS A. ROSEMARY McCORMICK RETIREMENT OF CHIEF LIBRARIAN

It was moved, seconded and *carried* that Convocation extend to Miss *A. Rosemary McCormick* on her retirement as Chief Librarian the Society's sincere gratitude for her loyal and devoted service.

. . . .

WALTER B. WILLISTON, Q.C.
BENCHER EX OFFICIO

The Treasurer noted with regret the death of Walter B. Williston of Toronto on 22nd August, 1980, at age 60. Mr. Williston had been a Bencher ex officio of the Society since 15th April, 1977. He was first elected a Bencher at the Benchers election in 1961 and subsequently in the elections of 1966, 1971 and 1975. Following his Call to the Bar on 15th June, 1944, he joined the firm of Fasken, Robertson, Aitchison, Pickup & Calvin, where he had articled with Collamer Calvin, Q.C., and for a number of years lectured at Osgoode Hall Law School. At the time of his death he was a partner of the successor firm of Fasken & Calvin. He served as a one-man commission investigating the care and supervision of the mentally retarded in Ontario. He was considered an expert on Canadian constitutional law. The Treasurer paid tribute to the rich legacy Mr. Williston had left to the profession.

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F. JOHN L. EVANS, Q.C.
FORMER BENCHER

The Treasurer referred with regret to the death of F. John

L. Evans of Hamilton on 22nd August, 1980. Mr. Evans was elected to the Bench in 1966 and at the Benchers elections of 1971 and 1975, and he served as a Bencher until ill health caused his resignation in May 1978. His election as a Bencher gave Hamilton, for the first time in many years, two Benchers to represent it. He was called to the Bar on 18th June, 1931 and practised in Hamilton where he founded his own firm in 1949. In choosing law as a profession he was following a family tradition dating back to 1866; both his grandfather and his father were lawyers. His son, John, followed the tradition by joining him in 1965.

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CLARENCE I. SCOTT, Q.C.
DEPUTY SECRETARY

The Treasurer noted with regret the death of Clarence I. Scott of Toronto on 28th August, 1980. Mr. Scott was appointed the Society's Deputy Secretary in March 1976. He was called to the Bar 28th June, 1956 and practised corporate law before joining the Law Society as Assistant Secretary in 1966. Mr. Scott bore the responsibilities of secretary of the Discipline and Professional Conduct Committees. He will be missed not only for his quiet efficiency but for his sense of humour.

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SPECIAL COMMITTEE ON CONVOCATION

Mr. H. W. Arthurs, Chairman, reported orally and put before Convocation the terms of reference which the Committee proposes as follows:

Terms of Reference

The Committee is to review the work of Convocation and its committees to ensure that

(1) the responsibilities of the Society are being discharged effectively and efficiently,

(2) the work of the Bench is facilitated in determining and implementing

the policy of the Society, with appropriate consultation and participation by the members, the County and District Law Associations, other legal bodies and organizations and involved individuals, and with adequate support from the staff of the Society,

(3) the procedures of the Society are fair to members, applicants and citizens making inquiries, claims or complaints.

Procedures

The Committee should take under review, and report to Convocation upon, in sequence, various aspects of its mandate. In making its recommendations to Convocation, the Committee should assume that the present statutory framework will continue in the short run, and therefore propose interim measures of reorganization where possible. However, the Committee should also feel free to recommend statutory changes where thought necessary or desirable.

The Committee will attempt to provide Convocation with an indication of alternative solutions in each area of its work.

In order to deal with each aspect of its work, the Committee should be provided with a description or narrative of existing procedures, supported where necessary by an analysis of their costs and effectiveness. These descriptions, appropriately amended to reflect changes approved by Convocation, may subsequently be made available for distribution in appropriate cases, e.g., to solicitors confronting disciplinary proceedings, students pursuing appeals, or members of the public claiming redress.

Possible Areas of Research and Recommendation

1. Discipline proceedings (and invitations to attend) including
    - time lapse from complaint to disposition
    - monitoring files for incipient problems
    - caseload
    - keeping complainants informed
    - representation of the Society by counsel
    - participation by the secretariat
    - Convocation's role
    - range of sanctions
    - etc.
2. Convocation's procedures, including
    - time, place, day of meeting

  - circulation of material
  - identification of policy issues
  - allocation of time for debate
  - omission of routine matters
  - possible delegation of decision-making
  - special convocations

3. Committee structure and procedures, including

  - number, size and mandate of committees
  - role of supporting secretariat
  - executive powers
  - continuity of work (e.g., Professional Conduct precedents)
  - meeting dates, times
  - possible criteria by which Committees can evaluate work and assess procedures

Approved

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PUBLIC RELATIONS COMMITTEE–Mr. Goodman

Mr. J. G. M. White, Vice-Chairman, presented the Report of the Public Relations Committee of its meeting on Thursday, 11th September, 1980.

The following members were present: Messrs. White (Vice-Chairman acting as Chairman), Bowlby and Yachetti.

SURVEY OF LAW SCHOOL GRADUATES

Partial results of a survey of the past five years' graduates were before the Committee. The survey is designed to show whether they achieved their goals in being placed in the profession.

Noted

The question of the rate of increase in the numbers in the profession has been identified as the most pressing concern facing the Bar as a whole. The Committee recommended that a questionnaire be circulated to the profession to obtain statistical information respecting employment and income levels in the profession and the ability of the profession to absorb graduates.

SURVEY TO THE PUBLIC

At its meeting on 23rd May, the Committee approved of a questionnaire to be used during the summer by Decima Research Limited in making a survey of the public. A report was before the Committee.

Noted

SUMMER TOURS – 1980

The second year of the tour programme of parts of Osgoode Hall took place during the months of July and August. There were two daily tours of groups, not greater than 20, given by articling students. The tours included the Rotunda and World War II Memorial, one of the Court of Appeal rooms, the Queen's Bench courtroom, the Great Library and the Benchers' Quarters. There were 49 actual tours and 14 tour guides. The number of visitors going on the tours was 213, an increase of 36 over 1979.

Noted

THE REPORT WAS ADOPTED

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LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. L. K. Ferrier presented the Report of the Legal Education Committee of its meeting on Thursday, 11th September, 1980.

The following members were present: Mr. L. K. Ferrier, Acting Chairman, Messrs. Arthurs, Barr, Doran, Ground, Lamont, Noble, Outerbridge, Scace, Mrs. R. M. Tait, Messrs. Wardlaw and Willoughby.

BAR ADMISSION COURSE

FACULTY APPOINTMENTS –
Toronto, Ottawa and London as indicated

It was recommended that the following appointments be made for the teaching term which commenced September 2nd, 1980:

(a) Corporate and Commercial Law – Head of Section

Allen Karp, Esq., retired as head of section. It was recommended that George A. Wilson, Esq., be appointed head of the Corporate and Commercial Law section of the Bar Admission Course. Mr. Wilson had consented to act.

(b) Civil Procedure II – Senior Instructor (Ottawa)

Kenneth Radnoff, Esq., retired as senior instructor. It was recommended that Paul A. Webber, Esq., be appointed senior instructor of the Civil Procedure II section of the Bar Admission Course. Mr. Webber had consented to act.

(c) Corporate and Commercial Law – Senior Instructor (Ottawa)

Charles E. O'Connor, Esq., retired as senior instructor. It was recommended that Kenneth L. W. Boland, Esq., be appointed senior instructor of the Corporate and Commercial Law section of the Bar Admission Course. Mr. Boland had consented to act.

(d) Civil Procedure I Section

To continue as head of section, R. J. Rolls, Q.C.

Group Instructors (Osgoode Hall): L. A. J. Barnes, R. A. Blair, H. M. A. Brodkin, D. J. Brown, J. A. Campion, W. P. Cipollone, T. J. Dunne, Igor Ellyn, J. T. Fidler, S. L. Goldenberg, Miss Joyce Harris, P. G. Jarvis, J. I. Laskin, D. C. McTavish, A. C. Millward, J. T. Morin, F. P. Morrison, R. G. Oatley, J. C. Osborne, Paul Pape, M. J. Penman, H. D. Pitch, Stan Raphael, L. D. Roebuck, P. L. Roy, M. E. Royce, D. H. Sandler, W. V. Sasso, R. G. Slaght, J. D. Sloan, J. D. Weir.

To continue as senior instructor (Ottawa), G. R. Morin, Esq.

Group Instructors (Ottawa): B. A. Carroll, G. J. Cooligan, W. M. Davis, G. P. Kelly, F. J. McDonald, D. J. Power, T. D. Ray.

To continue as senior instructor (London), C. M. V. Pensa, Q.C.

Group Instructors (London): J. F. Belecky, P. B. Hockin, J. W. Makins, C. S. Ritchie, P. M. Stillman, B. J. Sullivan.

Standby Instructors (Osgoode Hall): Miss Sheila R. Block, Miss Eleanor A. Cronk, Jim Hodgson, W. G. Horton, W. J. Miller, L. A. Pattillo, G. D. Peacock, Martin Sclisizzi, D. G. Stinson, M. S. F. Watson.

Standby Instructors (Ottawa): D. W. Scott, W. J. Simpson, W. B. Spooner, P. C. P. Thompson.

Standby Instructors (London): R. A. Beccarea, J. C. Kennedy, B. E. Payne.

Approved

REPORT OF THE SUB–COMMITTEE ON FINANCING THE BAR ADMISSION COURSE

The Report of the Sub-Committee on Financing the Bar Admission Course was before the Committee on June 12th, 1980, at which time it was deferred until the Committee's September meeting.

Stand

CALL TO THE BAR, 1981

On June 12th, 1980 the Committee approved dates for Call to the Bar in 1981 in Toronto, Ottawa and London but deferred consideration of locations until this meeting. After further study the Director recommended that the Committee approve the following locations for Toronto and London, for Call to the Bar in 1981, subject to the availability to the Law Society of such locations on the scheduled dates:

Toronto – O'Keefe Centre
London – Centennial Hall

It was further recommended that the search and study for an Ottawa location be continued and that the Director give a further report at the October meeting.

Approved

DESTRUCTION OF EXAMINATIONS BOOKS

The Committee was asked to approve the destruction of the examination answer books and computer cards of the teaching term of the 21st Bar Admission Course which ended in February, 1980, with the exception of such records of the students who failed the Course.

The Committee was further asked to approve the destruction of the examination answer books in the examination on Professional Responsibility, written by the students in the articling term of the 22nd Bar Admission Course, subject to the prior filing of the required certificate respecting such examination for each answer book so destroyed.

Approved

STUDENT RECEPTIONS

It was recommended that Law Society receptions for students be held in the teaching term of the 22nd Bar Admission Course at the places shown and on the following dates:

Toronto	–	Thursday,	October	2nd,	1980
	–	Thursday,	November	5th,	1980
	–	Tuesday,	December	9th,	1980
	–	Thursday,	January	8th,	1981
	–	Tuesday,	February	10th,	1981
Ottawa	–	Tuesday,	September	30th,	1980
	–	Tuesday,	January	27th,	1981
London	–	Thursday,	October	16th,	1980
	–	Tuesday,	January	13th,	1981

Approved

PROPOSAL FOR THE ESTABLISHMENT OF A PRIZE KNOWN AS THE BEVERLY GENEST MEMORIAL AWARD

Mr. Alfred A. Mamo of London, Ontario proposed the establishment of a prize to be known as the Beverly Genest Memorial Award, to be made annually to the student obtaining the highest marks in Family Law in the London section of the Bar Admission Course. The late Beverly Genest, who died in November, 1979, was the wife of His Honour Judge Maurice Genest of the Provincial Court (Family Division) in London. Mr. Mamo's letters of March 19th and June 3rd, 1980 were before the Committee.

It was moved in Convocation, seconded and *carried* that the proposal be approved.

PROFESSIONAL RESPONSIBILITY EXAMINATION

At the Chairman's request, a letter dated August 4th, 1980, from Mr. Owen J. R. Smith to the Society, concerning the examination in Professional Responsibility written by the articling students in the 22nd Bar Admission Course was before the Committee.

Noted

SPECIAL PETITIONS

The Committee gave careful consideration to 17 petitions.

Five petitioners were members of other provincial Bars, two from the Quebec Bar and three from the Alberta, Manitoba and Nova Scotia Bars respectively, and a sixth was a member of the Bars of the United Kingdom and Guyana. They had submitted similar petitions to the Admissions Committee. All sought variations in the requirements of the Bar Admission Course, e.g., exemption from or modification of the articling period or from all or part of the teaching term; permission to take the teaching term instead of the comprehensive examination on the common law of Ontario; exemption from the said common law examination and call upon successful completion of the prescribed examinations on the Statutes of Ontario and procedure in Ontario; extension of the five-year limitation period under Regulation 26(4a), etc. The Committee recommended that all six petitions be denied.

In Convocation the petition of the member of the Manitoba Bar for extension of the five-year limitation period was granted, it being moved, seconded and *carried* that the member of the Manitoba Bar be exempted from the requirement that he complete the Bar Admission Course within the five-year period following obtaining the LL.B. degree.

Six petitioners requested permission to defer entry into the teaching term of the Bar Admission Course until September 1981 for a variety of reasons including post-graduate studies, qualification for call in another Canadian jurisdiction, employment, etc. All six petitions were approved, although two bore the proviso that the petitioners, each of whom had received one deferment, be advised that any further application for deferment may be refused.

One petitioner sought an indefinite leave of absence from the teaching term of the Course to return to Alberta with her husband. The petition was refused, the petitioner to apply at a later date should she return.

One petitioner sought permission to enter the teaching term. He had received permission to defer entry into the teaching term for one year to attend Harvard University but at the end of the one-year period he accepted employment with a law firm in New York City without applying for a further deferment. The petition was granted.

Three petitioners applied for extension of the five-year period under Regulation 26(4a). One petitioner received his LL.B. degree in 1978 and since that time has been employed playing hockey in West Germany. He sought an extension until September 1984 to commence service under articles and then take the teaching term of the Bar Admission Course. The petition was denied without prejudice to the petitioner's right to make a further application should his future circumstances so require. The second petitioner received his LL.B. degree in 1979, completed service under articles and accepted employment as player/coach of a hockey team in France for eight months ending in April 1981. While in France he will also be employed by a French law firm and will attend a university to study the French language and legal system. He asked for an extension to September 1981 for his entry into the teaching term of the Bar Admission Course. The petition was allowed. The third petitioner was called to the Bar in Saskatchewan in 1965, practised in Regina for two years and then was employed with various departments of the Federal Government in Ottawa, since 1971 with the Civil Litigation Section of the Department of Justice. His immediate superiors are members of the Ontario Bar. He requested an extension of the five-year limit to permit him to article under his superiors in Ottawa and then enter the teaching term of the Bar Admission Course. He has made application for admission and filed articles of clerkship. The petition was granted.

CONTINUING EDUCATION

The Committee reviewed a summary of Continuing Education programmes presented in June, July and August, 1980 and the Continuing Education publications report for the months of June, July and August, 1980.

Convocation adjourned further deliberation on this Report to give consideration to certain items in the Report of the Admissions Committee.

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ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 11th September, 1980.

The following members were present: Mrs. L. L. Legge, (Chairman), Messrs. Cass, Chilcott, Ferrier, Ground, Lamont, Pepper, Scace, Mrs. Sutherland and Mr. White.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Special – Minister of Justice and Attorney General of Canada

By resolution of Convocation on 20th June, 1980

The Honourable Jean Chrétien, Minister of Justice and
Attorney General of Canada

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further seven candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the 22nd Bar Admission Course.

A total of 288 candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the 23rd Bar Admission Course.

Approved

FULL–TIME MEMBERS OF THE FACULTIES OF APPROVED LAW SCHOOLS

Seven members of approved law faculties asked to be called to the Bar and admitted as solicitors without examination under Regulation 9 respecting full-time members of approved law faculties in Ontario upon payment of a fee of $200. Letters confirming the eligibility of the applicants have been received from the Deans of the relevant law schools for the following:

Richard James Balfour Osgoode Hall Law School of York University	A.B. Princeton University 1971 B. Litt. Oxford University 1974 J. D. Harvard University 1978
William James Braithwaite Osgoode Hall Law School of York University	B.A. University of Windsor 1973 LL.B. University of Western Ontario 1976 LL.M. London School of Economics 1977
Berend Hovius Faculty of Law University of Western Ontario	B.A. Queen's University 1972 LL.B. University of Western Ontario 1977 LL.M. University of London 1978
Brian Michael Mazer Faculty of Law University of Windsor	B.A. University of Saskatchewan 1975 LL.B. University of Saskatchewan 1975 LL.M. University of Alberta 1977
Donald Keith McNair Faculty of Law University of Western Ontario	LL.B. University of Western Ontario 1978
Julio Ruberto Menezes Faculty of Law University of Windsor	LL.B. University of East Africa 1967 M.A. Yale University 1968
Freda Mariam Steel Faculty of Law University of Ottawa	LL.B. University of Manitoba 1975 Called to the Bar of Manitoba 1976 LL.M. Harvard University 1978

Approved

EXTERNAL EXAMINATIONS

Three candidates who had been approved by the Committee to proceed under Regulation 4(2) sat the required examination at the offices of the Bar Admission Course in Ottawa. The examinations were identified only by the numbers and a report of the examiners was before the Committee. One candidate passed and two failed.

Approved

DIRECT TRANSFER

The Committee considered five applications to transfer to practise in Ontario from five lawyers who were members of the

Bars of British Columbia, Manitoba, Nova Scotia and Saskatchewan (2) respectively. All five applicants sought permission to proceed under Regulation 4(1) and the applicant from Manitoba and one of the applicants from Saskatchewan to proceed under Regulation 3(1) as well. The applications were approved.

DIRECT TRANSFER FROM QUEBEC

The Committee considered two applications to transfer to practise in Ontario by two Quebec lawyers who sought permission to proceed under Regulation 4(2). Both applications were approved.

PETITIONS

The Committee had before it two petitions from Quebec lawyers who wish to transfer to practise in Ontario. One held an LL.L. degree and the other an LL.B. degree and each asked whether in view of the degree held, the comprehensive examination on the common law of Ontario could be waived. The Committee recommended that in each case the request be denied.

The Committee also considered a petition from a Quebec lawyer who plans to apply for transfer to practise in Ontario under Regulation 4. He has an LL.B. degree and in view of this asked whether the requirement of writing the examination on the common law of Ontario could be waived.

After a lengthy discussion of the issues involved, the Committee agreed that as a policy successful completion of the teaching term of the Bar Admission Course be accepted as satisfying the requirement of passing the prescribed examinations under Regulation 4(1)(c) and 4(1)(e); and that possession of an LL.B. degree does not fulfil the requirements of Regulation 4(2)(d).

It was moved in Convocation, seconded and *lost* that the last clause in the foregoing paragraph be amended to read: "that graduation from a law course, approved by Convocation, in a university in Canada within the five-year period immediately preceding the date of application be accepted as passing the comprehensive examination on the common law of Ontario for the purposes of Regulation 4(2)(d)."

It was moved in Convocation, but not seconded, that the matter be referred back to the Admissions Committee and to the Legal Education Committee for further consideration. This motion, not being seconded, was *not put*.

The Committee also had before it for consideration petitions from six petitioners (who had placed similar petitions before the Legal Education Committee) and made appropriate recommendations.

In Convocation the recommendations of the Admissions Committee and the Legal Education Committee were considered together. *(See p.390.)*

The Committee considered a petition from a Nova Scotia lawyer who wishes to transfer to practise in Ontario. He requested that he be permitted to take the teaching term of the Bar Admission Course in lieu of sitting the prescribed examination on the Statutes and Procedures in Ontario. The Committee recommended approval of the petition.

Convocation adjourned its deliberation on this Report to permit the Call to the Bar to take place.

. . . .

CALL TO THE BAR

The Honourable *Jean Chrêtien,* P.C., Minister of Justice and Attorney General of Canada, was presented to the Treasurer and Convocation, was called to the Bar and the degree of Barrister-at-law was conferred upon him by the Treasurer.

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BENCHER EX OFFICIO

Upon his Call to the Bar, The Honourable Jean Chrêtien, Minister of Justice and Attorney General of Canada, became a Bencher ex officio of the Law Society pursuant to Section 12(1)1 of The Law Society Act. The Treasurer welcomed the Minister to the Bench and invited him to take his place among his fellow Benchers.

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PRESENTATION OF LETTERS PATENT AS QUEEN'S COUNSEL FOR ONTARIO TO THE HONOURABLE JEAN CHRETIEN

The Honourable R. Roy McMurtry, Minister of Justice and Attorney General for Ontario, announced the appointment of The Honourable Jean Chrétien as one of Her Majesty's Counsel learned in the law in Ontario and presented Letters Patent to the Minister.

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CONVOCATION ADJOURNED AT 11:50 A.M.

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The Treasurer and Benchers proceeded to Court of Appeal No. 1 to attend the ceremony before The Honourable W. G. C. Howland, Chief Justice of Ontario, when The Honourable Jean Chrétien took the usual oaths and signed the Rolls before the Chief Justice, presented his Patent as a Queen's Counsel in Ontario and was invited by the Chief Justice to take his place inside the Bar.

Following the ceremony, the Minister was the guest of the Benchers at luncheon. The following also were guests at luncheon: The Honourable W. G. C. Howland, Chief Justice of Ontario; The Honourable Gregory T. Evans, Chief Justice of the High Court of Justice of The Supreme Court of Ontario; His Honour Judge J. D. Carnwath of the County Court of the Judicial District of Halton; Mr. Paul Desmarais, President and Chief Executive Officer of Power Corporation of Canada Ltd.; and two members of the Minister's staff, Mr. Paul MacInnes and Mr. Jacques A. Demers.

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CONVOCATION RESUMED AT 2:40 P.M.

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PRESENT:

The Treasurer and Messrs. Arthurs, Bragagnolo, Brulé, Bynoe, Chadwick, Chilcott, Ferrier, Furlong, Ground, Guthrie, Henderson, Lamont, Mrs. Legge, Messrs.

McWilliams, O'Brien, Ogilvie, Pepper, Scace, Mesdames Sutherland and Tait, Messrs. Thom and Willoughby.

. . . .

DISCIPLINE COMMITTEE–Mr. Genest

Mr. P. Genest, Chairman, presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 11th September, 1980.

The following members were present: Messrs. Yachetti (Vice-Chairman acting as Chairman), Furlong and Ogilvie (Vice-Chairmen), Cass, Mrs. Sutherland and Mr. White.

CREDIT UNIONS AND CAISSES POPULAIRES

The Committee had before it the question of whether the Regulation made pursuant to The Law Society Act should be amended in order to permit Credit Unions and Caisses Populaires to act as repositories for solicitors' trust funds.

The Committee had before it material submitted by the Credit Union Central of Ontario and in addition the Society's auditor, Mr. R. L. Anderson, attended before the Committee to report on discussions he and the former Chairman of the Discipline Committee had with representatives of the Credit Union Central.

The Committee was of the opinion that due to the degree of variance in the size and stability of Credit Unions and Caisses Populaires they were not suitable repositories for trust funds. The Committee was also mindful of the recent failure of a trust company in Ontario.

Accordingly, the Committee recommended that Credit Unions and Caisses Populaires not be approved as repositories for solicitors' trust funds.

PROFESSIONAL CONDUCT BEFORE ADMINISTRATIVE TRIBUNALS

It was moved in Convocation, seconded and *carried* that this item be referred back to the Policy Section for further consideration and also referred to the Professional Conduct

Committee.

THE REPORT AS AMENDED WAS ADOPTED

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ADMISSIONS COMMITTEE (Continued)

Convocation resumed its consideration of the Report of the Admissions Committee.

THE REPORT AS AMENDED WAS ADOPTED

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LEGAL EDUCATION COMMITTEE (Continued)

Convocation resumed its consideration of the Report of the Legal Education Committee.

THE REPORT AS AMENDED WAS ADOPTED

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FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 11th September, 1980.

The following members were present: Messrs. Pepper (Chairman), Farquharson, Fennell, Guthrie, Ogilvie, Scace, Tebbutt and Wilson. Mr. G. D. Finlayson was also in attendance.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointment to Judicial Office and their membership in the Society will be placed in abeyance upon their assuming office:

William Reid Donkin, Q.C. Toronto	Called – 25 June 1953 Appointed Master, Supreme Court of Ontario – 5 August 1980
Joseph Peter Coulson, Q.C. Napanee	Called – 17 March 1967 Appointed Provincial Court Judge, Criminal Division, Lennox and Addington Counties – 15 April 1980
William Wilbert Bradley Fort Frances	Called – 19 March 1970 Appointed Provincial Court Judge, Criminal and Family Division, District of Kenora – 18 August 1980
James Paul Nevins Stouffville	Called – 22 March 1968 Appointed Provincial Court Judge, Family Division, Judicial District of York Region – 18 August 1980
Kenneth Edwin Pedlar Kingston	Called – 19 March 1970 Appointed Provincial Court Judge, Family Division, Frontenac County – 18 August 1980
Patrick Thomas Way Dunn Toronto	Called – 19 March 1970 Appointed Provincial Court Judge, Family Division, Judicial District of York – 18 August 1980

Deaths

The following members have died:

Clarence Irving Scott, Q.C. Toronto	Called – 28 June 1956 Died – 28 August 1980
Robert McLennan McGuire Toronto	Called – 28 June 1956 Died – 16 June 1980
Edwin John Pivnick, Q.C. Toronto	Called – 15 September 1949 Died – 16 June 1980
Leon Gellman Toronto	Called – 24 June 1954 Died – 5 June 1980
Russell Robert Sheldrick London	Called – 19 September 1946 Died – 26 May 1980
Kenneth Hugh MacDiarmid, Q.C. Scarborough	Called – 21 June 1945 Died – 22 June 1980
Ronald Sichen Yu Toronto	Called – 29 March 1977 Died – 22 July 1980

Robert Maclaren Fowler Montreal, Quebec	Called – 18 June 1931 Died – 13 July 1980
Walter Bernard Williston, Q.C. Toronto	Called – 15 June 1944 Died – 22 August 1980
Francis John Lewis Evans, Q.C. Hamilton	Called – 18 June 1931 Died – 22 August 1980
Michael John Somers Barber Toronto	Called – 5 April 1979 Died – 30 July 1980
Edmund Allen Meredith Toronto	Called – 14 September 1951 Died – 20 August 1980
Edward Laxton, Q.C. Toronto	Called – 19 June 1930 Died – 1 September 1980

Disbarment

The following member has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Society:

John Alexander Smith Toronto	Called – 19 March 1970 Disbarred – Convocation 20 June 1980

Noted

LIFE MEMBERS

Pursuant to Rule 49, the following are eligible to become Life Members of the Society effective 18 September 1980:

Irving Aaron, Q.C.	Toronto
Crozier Robert Bigelow, Q.C.	Don Mills
Norman Borins, Q.C.	Toronto
Francis Andrew Brewin, Q.C.	Ottawa
Richard Ernest Baron Brocklesby, Q.C.	Ottawa
John Colin Armour Campbell, Q.C.	Ottawa
Robert Thompson Livingston Innes, Q.C.	Brantford
Joseph Jeffery, Q.C.	London
William Leo Knowlton, Q.C.	Toronto
Henry Donald Langdon, Q.C.	Toronto
Kenneth Murney Langdon	Georgetown
Thomas Mackie	Toronto
Milton C. Meretsky, Q.C.	Windsor
Leonard Wilson Mitchell, Q.C.	Toronto
Harris Reuben Moscoe, Q.C.	Toronto
Francis Colenso Powell, Q.C.	Parry Sound
Morris Prousky, Q.C.	Toronto
Harry Irving Rumack	Toronto
Nicholas Francis Anthony Scandiffio, Q.C.	Toronto
George Alexander Snyder, Q.C.	Hamilton

Benjamin Tepper, Q.C.	Toronto
Jack Klafer Wahl, Q.C.	Toronto
Jacob Morris Wainberg, Q.C.	Toronto
Charles Kenneth Freeman Waugh	Ottawa
Benjamin Harry Yuffy, Q.C.	Windsor
Louis Judah Zuker, Q.C.	Toronto

Noted

MEMBERSHIP UNDER RULE 50 – Retired Members

The following members who are sixty-five years of age and fully retired from the practice of law, have requested permission to continue their membership in the Society without payment of annual fees:

Donald Day Carrick, Q.C.	Toronto
John McLean Magwood, Q.C.	Toronto
John Richard Brimage	Simcoe
Frank Edgar Lewis	Toronto

Approved

CHANGE OF NAME

The following members requested that their names be changed on the rolls of the Society and have submitted the required documentation in support:

From	*To*
Dale Lois Best	Dale Lois *Robinette* (maiden name)
June Sone	June *Bell* (married name)
Annette Mary Leona Poulin	Annette Mary Leona *Lemelin* (married name)
Kathleen Dorothy Wood	Kathleen Dorothy *Flint* (maiden name)
Elizabeth Ann Landrey	Elizabeth Ann *Nowlan* (married name)

The following student members requested that their names be changed on the rolls of the Society and have submitted the required documentation in support:

From	*To*
Debra Ann White	Debra Ann White *Paulseth* (married name)
Ruthanne Laura Lush	Ruthanne Laura *Bowker* (married name)
Willibroudus Leonardus Jozef Mouris	*William Leonard* Mouris (Court order)

Ulrike Elsa-Elfriede Schrader	Ulrike Schrader *Watkiss* (married name)
Roger Norman Watkiss	Roger *Arthur* Norman Watkiss (Court order)
David Barrie Llew-Williams	David Barrie *Williams* (Court order)
Lesley Margaret Tharen	Lesley Margaret *Eyton-Jones* (married name)
Iwona Golenzer	*Yvonne* Golenzer (Court order)
Sylvia Nancy Burt	Sylvia Nancy *Dans* (married name)
Kam Ching Chan	*Paul* Kam-Ching Chan (correction)
Leslie Mary Adamina Dewart	Leslie Mary Adamina *Boyer de la Giroday* (married name)

Approved

ERRORS AND OMISSIONS INSURANCE PLAN

There are 27 members of the Society who were called to the Bar in April and May 1980 and who have not complied with the requirements respecting Errors and Omissions Insurance. Notices regarding the levy were handed to all students in the Bar Admission Course and a second notice was mailed on 27 June 1980 to those who had not paid the 1980 Errors and Omissions Insurance levy nor filed a declaration for exemption. The Committee was asked to approve that these members be advised that Convocation on 19 September will have before it a recommendation that their rights and privileges as members of the Society be suspended effective on that date.

Convocation directed that this item *stand* to be dealt with in October.

Five members paid the 1980 Errors and Omissions Insurance levy with cheques which were subsequently dishonoured by the bank and returned NSF. The names of these members were not included in the list of those whose rights and privileges were suspended on 2 June 1980 and it was recommended that Convocation suspend their rights and privileges effective 19 September 1980.

Approved

See motion, p.408.

BANKING ARRANGEMENTS

(a) Second Banker

At its June meeting the Committee approved a suggestion that the Bank of Montreal be appointed the Society's second banker and that the account operated for the Compensation Fund be transferred to it from the Canadian Imperial Bank of Commerce. This recommendation was not put to Convocation because the Finance Administrator suggested that it would be administratively better to transfer the Errors and Omissions account rather than the Compensation Fund account.

The Committee was asked to consider this second suggestion, i.e., that the Bank of Montreal be appointed the Society's banker for the Errors and Omissions Insurance Account *only*. The terms under which the Bank of Montreal would operate such an account were in a proposal before the Committee. There would be a reduction in costs and an increase in interest earned.

Approved

See motion, p.409.

(b) Cheque Signing

Cheques of less than $5,000 require a facsimile signature, together with a manual signature of any one of the Treasurer, the Secretary, Deputy Secretary, the Finance Administrator, the Chairman or Vice-Chairman or any member of the Finance Committee. Cheques for amounts of $5,000 or more require the manual signature of any one of the Treasurer, the Chairman or Vice-Chairman or any member of the Finance Committee, together with the manual signature of any one of the Secretary, the Deputy Secretary or the Finance Administrator.

It was recommended that the Accountant be added to the list of members of the staff authorized to sign cheques and Convocation be asked to approve a new banking resolution incorporating this addition.

Approved

See motion, p.409 .

(c) Safety Deposit Box

Under the Society's agreement with the Canadian Imperial Bank of Commerce for the rental of a safety deposit box, the following have been appointed agents: a member of the Finance Committee and Kenneth Jarvis or Clarence I. Scott or Denis V. Burnett.

It was recommended that the name of Bruce Chamandy, the Accountant, be substituted for that of the late Mr. Scott.

Approved

COUNSEL'S ACCOUNT

Last year when the Committee approved the execution of a new five-year agreement for the rental from I.C.L., the Committee requested that counsel be retained to examine any contracts prior to signature. Mr. Daniel G. Cooper of McCarthy & McCarthy was retained and submitted a detailed report on the agreements, which were similar to those already in existence. Consideration is now being given to the rental of a different computer from the same supplier, which will involve the execution of similar contracts to those examined by Mr. Cooper. Mr. Cooper's comments, the reaction of the supplier and a summary of the recommendations will form a separate report to this Committee. Meanwhile, Mr. Cooper submitted his account in the amount of $850, which the Committee was asked to approve for payment.

Approved

CAFETERIA SUBSIDY

For several years a subsidy has been paid to Mr. Mike Hinzel, Catering Manager, because of losses sustained on examination days. This arises because of a decrease in sales on these days, coupled with the need to pay a full day's pay to all cafeteria employees.

In 1979/80 there were 16 examination and study days on which sales averaged $198.20 per day compared to $622.95 on teaching days. It is estimated that the loss sustained is 50% of the sales drop. The subsidy is therefore calculated as:

16 x 50% ($622.95 minus $198.20) = $3,398

Last year the subsidy was $3,419.44.

The Committee was asked to approve this payment.

Approved

COPYING MACHINE

The Finance Administrator recommended that a copying machine located in Records Department be replaced with a newly introduced machine, Xerox Model 8200, at an increase in monthly costs of $480. The new machine will improve the efficiency of the department, particularly in connection with the preparation of Committee agenda and reports for Convocation.

Approved

GENERAL MAINTENANCE

Included in the 1980/81 Budget was an amount of $45,000, being Mr. Heeney's estimate of the cost of General Maintenance. At the time the Budget was approved, details of this figure were not available. A copy of Mr. Heeney's report of June 13 1980 showing the details was before the Committee.

Items (a), (b), (c), (e) and (f) required early attention, so that work could proceed in the summer months. The Chairman approved putting this work in hand and the Committee was asked to ratify the Chairman's action.

Approved

OFFICE SPACE

It has been necessary to convert a room over Convocation Room in order to provide more office space. This work is in progress and will be completed in the next few weeks. In the meantime, in order to satisfy the demands for yet more space, part of the Student Library has been partitioned and it is also being converted to offices at an estimated cost of $5,000. The Committee was asked to ratify the approval of this expenditure.

Approved

EDUCATIONAL ASSISTANCE

The Society's normal practice is to assist employees who take educational courses which will improve their work-related skills by reimbursing them for 50% of the cost of such courses when they enrol and a further 50% when they show evidence of successful completion. In the case of six newly hired Examiners and another employee in the Audit Department, Mr. Anderson, as a condition of hiring the six and continuation of employment of the seventh, required their enrolment in the Certified General Accountants Course. Because of the different arrangements in this case, Mr. Anderson requested that the total first year fee of $4,095 be paid by the Society.

Approval was given by the Chairman of the Discipline Committee and the Chairman of this Committee and ratification of these approvals was sought.

Approved

HEATING AND AIR CONDITIONING

(a) Heating System

It was necessary to replace a vacuum pump and control panel forming part of the heating system. The necessity of replacing the pump which was 45 years old was reviewed by Mr. Heeney and approval given to put the work in hand during the summer at a cost of $5,112.18.

(b) Heating Costs

Steam is supplied by Toronto Hydro Electric System for the heating of offices in Osgoode Hall. The Society was notified of an increase of 34.5 cents per 1000 pounds effective 1 August 1980 to cover higher fuel costs. Mr. Heeney reviewed the increase and suggested that the new rate should be accepted.

Approved

LIBRARIES AND REPORTING COMMITTEE

The following items were considered by the Libraries and Reporting Committee at its meeting on 11th September, 1980:

Ontario Reports – Contract

The Secretary reported that he had received a tender to publish the Ontario Reports for the period January 1 to June 30, 1981 in the amount quoted, being less an estimated credit for D.L.R. pickups. After discussion the Committee recommended that the tender be approved in the amount quoted, subject to the approval of the Finance Committee.

Approved

Acting Chief Librarian

The Committee discussed the fact that the Chief Librarian, Miss A. R. McCormick, was retiring on October 1st, 1980. The Chairman recommended that Mr. G. W. Howell, B.A., LL.B., M.L.S., be appointed Acting Chief Librarian as of October 1st, 1980 at a salary to be approved by the Finance Committee.

Approved

County Library Grants

The Chief Librarian presented a memorandum setting out the name of a law association which had sent in its Annual Returns for 1979 and the amounts of the grants to which it appears to be entitled under the Regulation in 1979 and 1980. The Libraries and Reporting Committee approved these grants, subject to the approval of the Finance Committee.

Approved

INSURANCE VALUATIONS

Each year it has been the Society's practice to ask Mr. Heeney to recommend a percentage by which the value of the building should be increased for insurance purposes, in accordance with previous directions that the building should be insured at replacement value. When the building renovations and additions were completed, the cost of these was also added to the valuation. It is now desirable that Mr. Heeney make a fresh review of the valuation for two reasons. Firstly, the addition of a percentage year by year may now have led to some distortion in the values. Secondly, adding the cost of renovations and additions ignored the fact that some parts of the building were demolished and replaced rather than straight additions being made to the existing structure.

Mr. Heeney estimates his costs of making a new valuation for insurance purposes as $5,000. The Committee was asked to approve this expenditure.

Approved

STAFF

At a meeting of the Special Committee on Convocation on 10 September 1980, the following matters were approved:

(a) that subject to the approval of the Finance Committee a Research Assistant be appointed to assist the Treasurer;

(b) that the question of additional staff be raised at the meeting of the Finance Committee on 11 September 1980.

The Committee recommended that the Secretary seek a replacement for the late Mr. Scott; that a qualified member of the staff be made available to assist the Treasurer; that the Secretary seek to add an additional junior member to the staff.

THE REPORT AS AMENDED WAS ADOPTED

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MOTION TO SUSPEND: ARREARS OF ERRORS AND OMISSIONS INSURANCE LEVY

It was moved, seconded and *carried* that the rights and privileges of the five barristers and solicitors who had failed to pay the levy prescribed under Section 53 of The Law Society Act by 19th September, 1980 and who had not been granted exemption from coverage by that date be suspended from 19th September, 1980 for a period of one year and from year to year thereafter or until their levies are paid or until they have been granted exemption from coverage.

Five members were suspended as of 19th September, 1980; all five were subsequently reinstated.

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MOTION: ENFORCEMENT OF SUSPENSIONS

It was moved, seconded and *carried* that the Policy Section of the Discipline Committee consider and report as to what steps should be taken to enforce suspensions.

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MOTION: BANK OF MONTREAL
APPOINTMENT AS BANKER FOR
ERRORS AND OMISSIONS INSURANCE ACCOUNT

It was moved, seconded and *carried* that the Bank of Montreal be appointed the Society's banker for the Errors and Omissions Insurance Account only and that the Treasurer and Secretary be authorized to execute the necessary agreements and that the persons now authorized to sign cheques and execute other documents for the Canadian Imperial Bank of Commerce be similarly authorized in respect of the account with the Bank of Montreal.

....

MOTION: CHEQUE SIGNING
BANK OF MONTREAL
CANADIAN IMPERIAL BANK OF COMMERCE

It was moved, seconded and *carried* that Convocation approve the two Resolutions before it with respect to the Bank of Montreal and The Canadian Imperial Bank of Commerce and the signing of cheques drawn by the Society on each of the said Banks.

....

UNAUTHORIZED PRACTICE COMMITTEE–Mr. Chilcott

Mr. W. D. Chilcott, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 11th September, 1980.

The following members were present: Messrs. Chilcott (Chairman), Furlong, McWilliams and White.

1. Three accounts were approved.

2. The Secretary reported that the Committee's submissions concerning the Report of the Professional Organizations Committee should be submitted to the Liaison Committee of the Law Society. The Secretary was instructed to amend the draft submissions and forward them to the Liaison Committee.

3. A letter indicated that the Regional Department of Social Services might be engaged in unauthorized practice. The Secretary was instructed to write to the complainant and advise that the practice complained of was not in breach of Section 50(1) of The Law Society Act.

4. A letter was received concerning divorce kit agencies. The Secretary was instructed to further investigate this matter.

5. A complaint was received from the Middlesex Law Association about an advertisement in the London Free Press in which an agency held itself out as solicitors. The Secretary was instructed to write to the complainant for further information concerning the advertisement.

6. The Secretary reported receipt of a complaint that an advertisement in a newpaper indicated that an individual was holding seminars concerning preparing patent applications. The Secretary was instructed to write to the complainant and indicate that the material discloses no unauthorized practice.

7. The Secretary reported receipt of an enquiry as to whether patent and trade mark agents can prepare and file an application to register the copyright in a work. The Secretary was instructed to reply suggesting that a legal opinion be obtained.

8. A complaint was received that an agency was giving legal advice concerning landlord and tenant law. The Secretary was instructed to write to the complainant and indicate that there does not appear to be any unauthorized practice based on the material submitted to the Law Society.

9. The Essex Law Association advised that an individual was signing letters with the word attorney after his name. The Secretary was instructed to refer this matter to an investigator.

10. A letter was received concerning an advertisement which appeared in the Digest Business and Law Journal offering lawyer prepared incorporation kits. The Secretary was instructed to write to the Journal indicating the Society's concern that the term "lawyer prepared" might be misleading to the public if in fact a lawyer did not draft the incorporation

documents.

11. A letter indicated that a corporation was drafting discharges of mortgages and charging a discharge fee. The Secretary was instructed to write to the complainant indicating that on the basis of the material submitted there did not appear to be any unauthorized practice.

12. A complaint that an association may be engaged in the unauthorized practice of law was received. The Secretary was instructed to refer the matter to an investigator.

13. A complaint that a clerk was engaged in the unauthorized practice of law was referred to an investigator. After the investigation, the Committee instructed the Secretary to refer this matter to the Discipline Committee.

14. On receipt of a complaint that an individual was holding himself out as a barrister-at-law contrary to Section 50(1) of The Law Society Act, the Secretary was instructed to write to Gray's Inn to ascertain if, in fact, the individual is a barrister-at-law and also to refer this matter to an investigator.

15. The Secretary was instructed to refer a complaint that an individual was holding himself out as a lawyer to an investigator to obtain statements from the individuals who signed the letter of complaint.

16. A correspondent complained that an individual writing a column in a newspaper may be engaged in the unauthorized practice of law. The Secretary was instructed to write the complainant referring to the previous correspondence and indicate that the instance complained of was not unauthorized practice.

17. A solicitor enquired as to the possibility of incorporating a company for all Small Claims Court services except representing a party at trial in a disputed matter. The Secretary was instructed to advise the solicitor to advise his client of his legal position.

18. The Secretary received a letter from the Secretary of the

Law Society of Manitoba enquiring whether it would be proper for a Manitoba solicitor to act for a purchaser of real property located in Ontario without retaining an Ontario solicitor as an agent to close the transaction; whether it would be proper for Manitoba solicitors to incorporate Ontario companies for clients; and whether it would be proper for Manitoba solicitors to represent Manitoba residents in the Criminal Courts in Ontario. The Secretary was instructed to write to the Secretary of the Law Society of Manitoba and indicate that the Manitoba solicitors acting in the circumstances above described in a real estate transaction should have an Ontario solicitor as an agent in order to close the transaction; that it would not be proper for Manitoba solicitors to incorporate Ontario companies for clients; and that it would not be proper for Manitoba solicitors to represent Manitoba residents in the Criminal Courts in Ontario without an Occasional Appearance Certificate or on matters where an agent can appear.

THE REPORT WAS ADOPTED

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LEGAL AID COMMITTEE–Mr. Chadwick

Mr. J. B. Chadwick, Chairman, presented the Report of the Legal Aid Committee of its meetings on Wednesday, 6th August, and Wednesday, 10th September, 1980.

On Wednesday, 6th August, 1980, the following members were present: James B. Chadwick, Chairman, Mr. Barnes, Ms. Cornish, Mrs. Fleming, Mr. Guthrie, Mrs. Jarmain, Messrs. Jones, Linden, Nixon, Mrs. Tait and Mr. Wallace.

The following observer member was also present: Robert Armstrong, Q.C., for the Advocates' Society.

Also in attendance, by special invitation, were Mr. David Clancy, Deputy Area Director, Carleton County, and Mrs. Gretta J. Grant, Q.C.,Acting Area Director, York County, (Area Director, Middlesex, Oxford and Perth Counties).

On Wednesday, 10th September, 1980, the following members were present: James B. Chadwick, Chairman, Messrs. Barnes, Barr, Ms. Brassard, Mr. Carter, Ms. Cornish, Messrs.

Ellis, Ferrier, Mrs. Fleming, Messrs. Gilchrist, Guthrie, Mrs. Jarmain, Messrs. Lamb, Linden, Michon, Ogilvie, Russell, Mesdames Smyth and Tait, Messrs. Tebbutt and Yachetti.

The following observer members were also present: Brian P. Bellmore, Solicitor, for the Clinic Funding Committee, and M. S. Fitzpatrick, Q.C., for the Ministry of the Attorney General.

Also in attendance, by special invitation, were Paul Lordon, Solicitor, Programs and Law Information Development Section, Federal Department of Justice, and Dr. Robert R. O'Reilly, Director, the National Legal Aid Research Centre.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95(2) for the four month period ended July 31, 1980, shows that payments from the Legal Aid Fund exceeded budget by $1,062,000. Funds designated for community clinics were underspent by $215,000, with the result that the remaining payments exceeded budget by $1,277,000 as follows:

Over budget	$	$
Criminal Certificate accounts	1,385,000	
Area Office costs	89,000	
Provincial Office costs	80,000	1,554,000
Under Budget		
Duty Counsel payments	10,000	
Civil Certificate accounts	172,000	
Legal Advice accounts	6,000	
Salaried Duty Counsel programme	19,000	
Research Facility	43,000	
Special Projects	25,000	
Student Legal Aid Societies	2,000	277,000
		1,277,000

Income from sources other than the Province of Ontario was under budget by $996,000 as follows:

Under budget	*$*	*$*
Law Foundation	814,000	
Client contributions	89,000	
Costs recovered	100,000	1,003,000
Over budget		
Miscellaneous income		7,000
		996,000

At July 31, there was a balance in the Fund of $2,512,000 but only because the August requisition from the Province was received and banked at the end of July.

The major areas of concern are the over-run of $1.385 million in criminal certificate accounts and the shortfall of $814,000 in Law Foundation income.

Criminal Certificate Accounts

Part of the problem in the payment of criminal accounts is that the Fund is obliged to carry forward from last fiscal year approximately $925,000 of such accounts and pay them from this year's budget. The remaining $460,000 over target is caused by the fact that the average cost of a criminal account paid in this year is $35 higher than budgeted.

Law Foundation

The drop in interest rates is primarily responsible for the shortfall in Foundation income. Working with a member of the Ministry's staff, a revised estimate of $6.4 million has been prepared. Management Board has been alerted to the resulting decrease in the year's income of approximately $2.2 million.

Statistics

The following table compares reported activity for the first four months of this fiscal year with the activity for the same period in the previous fiscal year:

	4 months ended *July 31/80*	*4 months ended* *July 31/79*	*% Change from last year*
Summary Legal Advice	14,521	15,431	– 5.9
Referrals to other agencies	24,114	20,888	+ 15.4
Applications for certificates	37,496	38,265	– 2.0
Refusals	14,163	12,362	
As a percentage of applications	37.8	32.3	+ 14.6
Certificates issued	26,395	27,401	– 3.7
Persons assisted by Duty Counsel			
Fee for service	53,406	51,428	
Salaried Duty Counsel	16,542	17,274	
Total	69,948	68,702	+ 1.8

Write-Offs

George E. Wallace, Q.C., approved the write-offs of the following total of amounts due to the Legal Aid Fund: $21,740.67.

LEGAL ACCOUNTS

(a) REPORT OF THE LEGAL ACCOUNTS OFFICER

Activity

	1980/81 Fiscal Year		*1979/80 Fiscal Year*	
	Month of July 1980	*4 Months to July 1980*	*Month of July 1979*	*4 Months to July 1979*
Accounts on hand at beginning	13446	12454	9024	7273
Accounts received	5617	23236	5323	22334
Total Accounts to be processed	19063	35690	14347	29607
Less: Files cancelled	35	133	37	127
Accounts processed	3684	20213	4663	19833
Balance	15344	15344	9647	9647
In addition to the number of accounts for services completed there were:				
Interim Accounts	380	1543	231	962
Supplementary Accounts	321	1291	244	1136
Total	701	2834	475	2098

Reviews

	July 1980	4 Months to July 31/80	4 Months to July 31/79
Reviews on hand	1021		
Reviews received in	141	715	433
	1162		
Settlements reviewed in	185	734	489
Settlements awaiting review	977		
	1162		

Appeals

	May	June	July
Appeals to Taxing Master received during	2	–	–
Appeals heard by Taxing Master	–	–	–
Appeals pending at the end of the month	5	5	5

(b) NOTES TO REPORT OF THE LEGAL ACCOUNTS OFFICER

During the month of July, 1980, 5,617 accounts were received. 3,684 accounts were processed. The number processed was substantially less than the normal monthly output.

In the spring it was decided to postpone the coding of criminal accounts using the time saved to process more accounts. Coding had been used for training Examiners. At this point all the criminal Examiners are trained and are able to concentrate on examining accounts.

In June, 1980, the Deputy Director asked that the coding be resumed to enable the completion of statistics for the fiscal year 1979/80. In the first two weeks of July the criminal Examiners worked exclusively on coding accounts, which had already been paid. Because this resulted in a rapid backlog in criminal accounts the examining was resumed in the middle of July. It was then decided to try and obtain the services of temporary clerks through an employment agency, which was done, and the Legal Accounts Department is presently coding paid criminal accounts, with temporary employees.

The backlog at the end of July consisted of 15,344 accounts. While part of this was criminal accounts, the majority was civil accounts.

It is now clear that the backlog in civil accounts has been caused more by the impact of the Family Law Reform Act than the amended Legal Aid tariff. In civil matters the majority of certificates are issued in family matters. The Legal Aid tariff, prior to amendment, provided a block fee for most family matters, uncontested divorces, applications under the Deserted Wives and Children's Maintenance Act, crown wardship applications, affiliation proceedings and separation agreements. With the introduction of the Family Law Reform Act a large proportion of the accounts received were no longer block fees. Under the amended Legal Aid tariff for these matters there is a fee for preparation, subject to a maximum plus counsel fee at trial. It takes a great deal more time to settle such an account.

It also appears that many more matters are now being settled through applications under the Family Law Reform Act, which would have been settled by separation agreements prior to the introduction of this Act. Therefore, even without the amendments introduced in the civil tariff, the workload of the civil Examiners has been substantially increased by the Family Law Reform Act.

The coding of civil accounts has always been up to date.

In April, 1979, the accounts department had 12 Examiners (6 civil, 6 criminal). The accounts department now has 20 Examiners (8 civil, 12 criminal). The 12 criminal are barely able to maintain currency and a backlog is created during holiday seasons. They are not able to maintain currency and also code the files for the statistical purposes. It is possible to continue the coding with temporary clerks until such time as a decision is made with respect to computerization of the processing of accounts.

The 8 civil Examiners are not able to maintain currency and, of course, are not making any inroads in the backlog. On September 15th two new civil Examiners are starting employment. However, this will not be sufficient to eliminate the backlog in civil accounts and after these two have been trained, two more will be hired bringing the total number of Examiners to 24.

There has been an increase of 4% in the number of accounts received in this fiscal year over and above the same period last year, and there has also been an increase in the number of interim and supplementary accounts received and processed.

The number of reviews received in this fiscal year has increased by 65% over the last fiscal year. There was a backlog of 977 reviews at the end of July.

There were no appeals to the Taxing Officer received or heard during July, leaving 5 appeals pending at the end of the month.

NATIONAL LEGAL AID RESEARCH CENTRE

The National Legal Aid Research Centre was established in January 1977 to provide for the exchange of information in Canada between provincial legal aid services and to provide necessary research.

The project was launched at the University of Montreal which obtained a grant of $65,000 from the Donner Canada Foundation. Apart from the contribution of the said Donner Foundation the budget of the Centre for the first two years was made up of contributions from the Provincial Legal Aid organizations, the Federal Department of Justice, the University of Montreal and the Alberta Law Foundation.

The Centre was originally set up on a two-year pilot basis on the understanding that a report on the feasibility and viability of the Centre would be prepared toward the end of the pilot period. A detailed analysis of the Centre's activities and a feasibility report were prepared by Archie Campbell, Q.C., Ministry of the Attorney General of Ontario.

The Campbell Report was considered by the University of Montreal, the Provincial Legal Aid Plans and the Federal Department of Justice. At this point a meeting of the Provincial Legal Aid Directors was held and it was decided that in view of the recommendations of the Campbell Report the Centre direct itself more specifically to the research needs of the Legal Aid Plans and the composition of the Board of Directors should become more representative of the interests of the Legal Aid Plans. Accordingly, a nine person Board of Directors was formulated, made up of six representatives of the Provincial Legal Aid Plans with representation on a regional basis, two representatives of the Federal Department of Justice and one representative of the host university. The said Board has two representatives from the Ontario Legal Aid Plan consisting of the Provincial Director and the Deputy Provincial Director.

The Federal Department of Justice undertook to cover all expenses of the Centre during a six-month period to assist in the Centre's reorganization and re-establishment. Further, the Minister of Justice undertook to contribute one third of the basic operating costs of the Centre for the three year period ending March 31, 1982. In July 1979 the decision was taken to relocate the Centre at the University of Ottawa. It was also decided that the Centre should be a corporate entity in its own right rather than a unit of a University.

The Board of Directors is solely responsible for determining the policy and program of the Centre in consultation with the Management and Research Advisory Committee being established by the University. A Director, Dr. Robert O'Reilly, was appointed in May and the Centre's office was opened at Tabaret Hall, University of Ottawa.

Suggested projects for the Centre will include:

(a) A standardization and collation of statistical data in the various provinces to facilitate comparison and provide comprehensive information for planning;

(b) The development of tariff standards, for judicare plans, particularly in subject areas of national scope such as criminal law;

(c) A study of the relative cost effectiveness of various plans and methods of cutting costs, including devices such as user fees, research banks and the effective use of client contributions;

(d) The preparation of practice manuals in areas of poverty law of national interest such as criminal sentence appeals, unemployment insurance and welfare law;

(e) The development of approaches to the delivery of legal aid in rural and remote areas;

(f) The development of appropriate coverage criteria for representation in minor criminal matters and a consideration of the situation of those currently unrepresented;

(g) The development of evaluation strategies and models appropriate to legal aid plans,

(h) The development of research programs designed to meet specific client group needs, for instance a national project into meeting the legal needs of the handicapped for 1981 the International Year of the Handicapped.

In view of the proposal to use the Centre in the long term to meet the research needs of the provincial legal aid plans and the Federal Department of Justice, it is proposed that its operating expenses should be met by these agencies. At a meeting in January 1979, a formula was established by the Provincial Directors Association to share the basic operating costs of the Centre.

According to the agreed on formula, the Federal Government is to pay one third of the basic operating costs of the Centre. The provinces share the remaining costs in the proportion of their expenditures on legal aid to national expenditures, with the minimum contribution being set at $250.

For the fiscal year 1979-80 all the provinces, except Prince Edward Island, contributed in the required proportion. After bearing the full costs of the Centre from January to July, the Federal Government paid one third of the actual operating costs for the rest of the fiscal year.

These contributions were made on the assumption that the operating costs of the Centre during the 1979-80 fiscal year would be approximately $100,000. Because of the increased federal contribution during the first half of 1979 and the fact that the Centre did not resume full scale operations until 1980, all of the funds paid by the provinces during 1979-80 were not expended. These were retained to reduce the costs of the Centre during the current year.

The Legal Aid Committee, after careful review, unanimously approved that the Ontario Legal Aid Plan contribute $23,457 as its share of the National Legal Aid Research Centre's expenses for the fiscal year April 1980 to March 1981 and that the Centre be supported in principle for the subsequent fiscal year 1981-1982.

STEERING COMMITTEE

Insurance – Student Legal Aid Societies

Sections 74, 75, 76, 77 and 78 of the Regulations provide for Student Legal Aid Societies.

The Steering Committee expressed concern that student workers at the various Student Legal Aid Societies are exposing themselves to liability as legal workers in their communities and suggested that the Legal Aid Committee should review the matter because of the vicarious liability which may involve the Law Society through the work of student activity. Although any practising lawyer on staff would be covered by Errors and Omissions Insurance, this coverage would not extend to the individual student or non-practising staff lawyers. Students and paralegals employed by legal clinics are covered by an insurance policy held by the Legal Aid Plan's Clinic Funding Committee. The Student Legal Aid Societies are not covered by the Clinic's policy.

Mr. Brad Nixon, then a member of the Steering Committee, wrote to the Deans of Law Schools requesting a brief description of the existing relationships between the Dean, the Staff Lawyer and the Student Legal Aid Society at each faculty of law.

Potential claims of liability will vary from Student Legal Aid Society to Student Legal Aid Society. The relationship between Staff Lawyers and faculty would be unique for each university, just as would be the status of each staff lawyer within the faculty of law.

The Steering Committee at its meeting on Wednesday, Sepember 10, 1980, reviewed a proposal from Marsh & McLennan Limited under which the five Student Legal Aid Societies would be covered at a total single premium of $1,500, providing $100,000 coverage with a deductible of $1,000. The following would be the insured:

(a) The five Student Legal Aid Societies;

(b) All the participants of these societies;

(c) All universities;

(d) The Deans and Law School faculty members;

(e) The Legal Aid Committee;

(f) Each member of the Legal Aid Committee of the Law Society, and

(g) The Law Society of Upper Canada.

After careful review, the Steering Committee was of the unanimous opinion that the insurance coverage should be compulsory for all five Student Legal Aid Societies.

The Legal Aid Committee approved the proposal that such insurance be placed through Gestas, subject to the approval of Convocation.

SALARIED DUTY COUNSEL – YORK COUNTY

In order to provide further controls over the operation of Salaried Duty Counsel in York County, Harold J. Levy, Special Projects Coordinator, has been appointed a Staff Member to the Sub-Committee overviewing the work of the Salaried Duty Counsel. The Special Projects Coordinator has the responsibility of liaising between the Sub-Committee and Mr. J. Weisdorf, the Director of Salaried Duty Counsel.

Mr. Weisdorf continues to function as Director of the Salaried Duty Counsel Program in Metropolitan Toronto and as such continues to supervise the Salaried Duty Counsel and office staff in their day-to-day activities.

Until further notice, Mr. Weisdorf will be directly accountable to Mr. Levy as staff member of the Salaried Duty Counsel Sub-Committee and will continue to be responsible for implementing policies developed by the said Sub-Committee.

Mr. Levy is responsible for seeing that the Committee's instructions are conveyed to and carried out by Mr. Weisdorf and his staff and is immediately responsible to the Salaried Duty Counsel Sub-Committee and to the Provincial Director.

Mr. Weisdorf, as Director of the Duty Counsel Program, is responsible to the Staff Member on all matters and is to take instructions from him and is responsible for carrying them out.

Since the new guidelines have been in operation a number of changes have been made.

It has been established that henceforth, subject to the approval of the Salaried Duty Counsel Sub-Committee, future Duty Counsel are to be hired or Duty Counsel are to be removed on agreement by Messrs. Levy, Weisdorf, and the Director of the Research Facility, Mr. Kenneth Chasse, with Mr. Levy's decision overriding on failure to agree.

A research program has been undertaken in which specific research assignments have been given by Mr. Chasse to individual Duty Counsel. All Duty Counsel have been made well aware that research work is an essential part of their employment.

A manual has been prepared for all Duty Counsel setting out the basic policies governing Duty Counsel and containing useful information for the carrying out of their duties. This manual is to be up-dated on a regular basis.

A meeting was held at the Provincial Office with all Duty Counsel in attendance to discuss various aspects of their work and to give them a wider picture of how they fit into the operation of the Ontario Legal Aid Plan.

A seminar series is to be held on a monthly basis, commencing in September, at which various experts in fields of importance to the Duty Counsel will be called to discuss these areas with them. Duty Counsel will be encouraged to prepare background papers on these areas.

A Research Project is being designed in which the Duty Counsel will be able to use their unique positioning in the Criminal Courts of first instance in order to research some important aspects of the operation of those courts and of some laws and procedures. It is felt that by participating in such a project, the Duty Counsel will have a higher sense of their importance and a greater self-esteem.

MENTOR PROGRAM

A Mentor Program designed to provide junior criminal lawyers with access to advice from senior counsel has been initiated in Toronto. This Program is proceeding according to expectation.

As of Monday, July 21, 1980 each of the 27 Mentors had been assigned the maximum of 5 Mentees.

A reception of Mentors and Mentees was held on Tuesday, June 17, 1980, at Osgoode Hall. Approximately 120 Mentors and Mentees were in attendance.

At the reception those present asked if it would be possible to have a series of seminars, commencing this fall, exploring very practical aspects of defence work.

These seminars will be planned with the assistance of the Chairmen, Messrs. Arthur Maloney and David Humphrey.

All of the Mentors will be asked to meet during the month of October, in order to give their assessment of how the

Program is working, and what, if any changes should be made.

On the instructions of the Legal Aid Committee the Provincial Director contacted Mr. George Collins-Williams, Director of the Bar Admission Course and the Continuing Education Program of The Law Society of Upper Canada, to ensure that the series of seminars do not conflict with the educational programs approved by the Law Society.

The Director of the Bar Admission Course will be sent notice of the seminars and copies of all materials will be distributed to him.

PUBLIC INFORMATION

(a) Reprint of Legal Aid Pamphlet

The Legal Aid pamphlet, "DO YOU NEED LEGAL HELP" has been reprinted and incorporates new information based on the revised financial eligibility guidelines being used by the Ministry of Community and Social Services; recognition of the financial contribution made to the Plan through The Law Foundation; new addresses and telephone numbers of Area Offices, where applicable; and an invitation to anyone with a problem or concern regarding the Plan to contact the local Area Office or the Provincial Director's Office.

(b) Cree and Ojibway Legal Aid Pamphlets

The Legal Aid pamphlet has been translated into Cree and Ojibway and 4,000 of each pamphlet have been printed. They will be distributed through the appropriate Area Offices, Clinics and Ministry of Northern Affairs offices.

(c) Supermarket Distribution of Pamphlets

The Plan has again embarked on a pamphlet distribution program through the Supermarket Information Network which consists of display racks in 354 supermarkets (165 Toronto, 123 Central and Southwest, 63 Eastern, 3 Northern).

The program will run for eight weeks beginning July 21 and will cost $7,140, the same rate as last year. (The Plan benefits from the rate provided to the Government of Ontario.)

In 1977, 41,150 pamphlets were distributed and in 1979, 44,500 were similarly distributed.

OTTAWA STUDENT LEGAL AID SOCIETY

The Legal Aid Committee reviewed correspondence from the University of Ottawa with respect to the Student Legal Aid Society. The correspondence requested advice in the matter of advertising the Society's services and also requested advice as to the billing of the Student Legal Aid Society's clients.

After review the Committee instructed the Provincial Director to advise the President of the Student Legal Aid Society in Ottawa that his enquiry with respect to the Student Society's suggested advertising program was being referred to the Professional Conduct Committee of The Law Society of Upper Canada. The Director was further instructed to bring to his attention Sections 138 and 139 of the Regulation which deal with limitations on remuneration under the Legal Aid Plan, and which will answer his enquiry with respect to Student Legal Aid Societies billing clients.

APPOINTMENT OF AREA DIRECTOR HALDIMAND COUNTY

Earl Catherwood, Area Director, Haldimand County, retired as Area Director.

The Haldimand County Legal Aid Area Committee with the assistance of the Haldimand County Law Association unanimously recommended Bain Munro, Solicitor, as Area Director for the said county.

The Committee recommended that Mr. Munro be appointed for a period of one year commencing May 1, 1980.

APPOINTMENT OF AREA DIRECTOR – YORK COUNTY

W. Reid Donkin, Q.C., Area Director, York County, was appointed a Master of the Supreme Court in April 1980.

The firm of Woods Gordon, Management Consultants, was retained to advertise, interview and make recommendations respecting the appointment of an Area Director to replace Mr. Donkin.

Over 20 candidates were interviewed and 6 were selected to meet the Plan's senior administrative staff including the Provincial Director, the Deputy Provincial Director, the Legal Accounts Officer and the Acting Area Director for York County. Three of these candidates met the Chairman of the Legal Aid Committee.

Russell James Otter, Solicitor, was the unanimous choice. Mr. Otter will assume the position of Deputy Area Director, York County, and Mrs. G. Grant will remain on a pro-tem basis as Acting Area Director to assist Mr. Otter for as long as the Provincial Director and Mrs. Grant consider necessary.

AREA COMMITTEES

(a) APPOINTMENTS

Ontario County

Gary Valcour, solicitor
William Livingston, solicitor
Peter Magda, solicitor
Lawrence Berg, solicitor

Judicial District of York Region

William Errington, solicitor
Eric Button, solicitor
John LeClaire, solicitor
Tom McPherson, solicitor
Paul Reeder, solicitor
Don Hindson, solicitor
Mrs. Betty Blaney
Dr. John Denison, medical doctor
George A. Taggart, Sheriff, Courthouse, Newmarket

Middlesex County

Anthony H. Little, solicitor

(b) RESIGNATIONS

Middlesex County

Clifford H. Reeves, solicitor

Kenora County

Ms. Madeline Skead

THE REPORT WAS ADOPTED

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CLINIC FUNDING REPORT

Mr. Chadwick also presented the Report of the Director of Legal Aid, dated 15th September, 1980, with respect to Clinic Funding.

CLINIC FUNDING

The Clinic Funding Committee submitted a report to the Director recommending funding for various projects.

The Director recommended to Convocation that the Report of the Clinic Funding Committee dated September 15, 1980 be adopted.

The following is a summary of the relevant portions of the Committee's Report:

The Clinic Funding Committee held meetings during the summer months on June 17, July 4, July 18 and August 12, 1980 to discuss, among other things, funding arrangements for training programs for community-based clinics in compensation law. In the course of these meetings, the Committee conducted a hearing pursuant to s.150(4) of the Regulation on clinic funding. Following the hearing, the Clinic Funding Committee made decisions to grant training funds in compensation law as follows:

Funds for Training Programs in Compensation

Injured Workers' Consultants	up to	$10,482.50
Industrial Accident Victims Groups of Ontario	up to	$22,500.00

The Clinic Funding Committee met on September 15, 1980, and considered applications for funds for community-based clinics, and recommended approval as follows:

Applications for Funding for Training Programs (s.148(1)(k))

Kenora Community Legal Clinic	up to	$ 1,149.59
Thunder Bay District Native Legal Counselling Services	up to	$ 3,820.00
Sudbury Community Legal Clinic	up to	$ 387.75

Applications for Supplementary Legal Disbursements (s.148(1)(m))

York Community Services	up to	$ 750.00

Supplementary Funding Requests

a. *Moving and capital purchases*

Neighbourhood Legal Services	up to	$ 2,800.00

b. *Additional staff*

Community Legal Services (Ottawa-Carleton)	up to	$12,000.00
Thunder Bay District Native Legal Counselling Services	up to	$18,000.00

Annual Funding 1980/81

COSTI	up to	$ 9,000.00

New Clinic Applications 1980/81

Keewaytinok Native Legal Services	up to	$63,000.00
Chatham-Kent Community Legal Services	up to	$52,000.00
Quinte Information and Assistance Centre Inc.	up to	$50,000.00
Northwest Community Legal Services (Downsview)	up to	$60,000.00

THE REPORT WAS ADOPTED

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PROFESSIONAL CONDUCT COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 11th September, 1980.

The following members were present: Messrs. Ground (Chairman), Doran and Wardlaw (Vice-Chairmen), Fennell, Lamont, Outerbridge and Mrs. Sutherland.

NAME OF QUEBEC LAWYER ON ONTARIO LAW FIRM'S LETTERHEAD

A new firm in Ottawa which intends to limit its practice to administrative law, primarily in relation to federal government agencies and tribunals, wishes to show the name of a Quebec lawyer on the firm's letterhead as "counsel" followed by the words "of the Quebec Bar".

The Committee was of the opinion that Rule 13, Commentary 6, does not permit the names of persons not qualified to practise law in Ontario to appear on a firm's letterhead.

SUB–COMMITTEE ON THE REPRESENTATION OF THE CHILD

This Sub-Committee was appointed April 9th 1980 composed of Arthurs (Chairman), Lerner, Sutherland and Yachetti. Professor Arthurs and Mr. Yachetti are no longer members of the Professional Conduct Committee. It was moved and carried that Mr. Outerbridge be appointed as the new Chairman and that Mr. Yachetti, although not a member of the Professional Conduct Committee, continue as a member of the Sub-Committee for purposes of liaison with the Legal Aid Committee and that the Chairman be given authority to appoint others to the Sub-Committee, including two non-benchers who are knowledgeable with respect to the subject.

MISCELLANEOUS

A number of other matters were considered with the appropriate instructions being issued in each instance.

THE REPORT WAS ADOPTED

. . . .

LIBRARIES AND REPORTING COMMITTEE– Mr. Farquharson

Mr. L. S. Willoughby, Vice-Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 11th September, 1980.

The following members were present: Mr. Farquharson (Chairman), Mrs. Tait, Messrs. Willoughby and Yachetti. Miss A. R. McCormick, Messrs. D. V. Burnett and G. W. Howell were also present.

GREAT LIBRARY

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

GIFTS AND DONATIONS

The following book was donated to the Great Library:

Mr. Basil V. Orsini Toronto	*Preparation of different types of arbitration clauses & Rules & Regulations (Canada & Ontario).* Toronto, 1980.

Noted

GREAT LIBRARY – SPACE

The Great Library has been requested to vacate the east room in the storage area of the east attic. This is located above the Bencher's quarters, and for many years has housed the Great Library's collection of text books, a major source of research and an essential part of the total library holdings. This collection was moved to a second room of similar size in the east attic and the contents of this latter area, back-up copies of reports, packed and removed for shelving at a later time in other basement storage rooms. The programme of reorganization involves a weeding out of earlier volumes of such publications as the Statutes of Canada and Ontario in multiple numbers before it will be possible to re-shelve the large number of books affected.

Noted

RETIREMENT OF CHIEF LIBRARIAN

The Chairman indicated that this would be the last meeting of the Committee that the Chief Librarian would attend before retiring on October 1st, 1980. The Chairman indicated that Miss A. Rosemary McCormick, B.A., B.L.S., M.L.S., joined the Society on May 15th, 1960 and was appointed Chief Librarian in 1965. The Committee recommended that a motion be passed expressing the Society's sincere gratitude to Miss McCormick for her loyal and devoted service.

ACTING CHIEF LIBRARIAN

The Committee discussed the fact that the Chief Librarian, Miss A. R. McCormick, was retiring on October 1st, 1980. The Committee recommended that Mr. G. W. Howell, B.A., LL.B., M.L.S., be appointed Acting Chief Librarian as of October 1st, 1980 at a salary to be approved by the Finance Committee.

COUNTY AND DISTRICT LAW LIBRARIES

VISITS TO COUNTY LAW LIBRARIES BY COUNTY LAW LIBRARY CO–ORDINATOR

The Secretary reported that he had received reports from

Mr. Howell concerning his visits to County and District Law Libraries.

Noted

MEETING OF COUNTY LAW LIBRARIANS

The Secretary reported that a letter was received from John R. R. Jennings, Q.C., requesting a meeting with the Chief Librarian and Librarians from the County Associations or representatives from the Associations that do not have Librarians. The Secretary was instructed to write to Mr. Jennings to suggest that the meeting he requested be deferred until a later date.

CENTRAL ADMINISTRATIVE PROGRAMME

A copy of the monthly financial status of each of the Law Associations was considered by the Committee. Similar reports are to be forwarded at the end of each month.

Noted

MEETING OF CANADIAN BAR ASSOCIATION EXECUTIVE WITH COUNTY LAW ASSOCIATION PRESIDENTS

The Secretary reported that Mr. Willoughby spoke to the meeting and answered questions from the Presidents.

Noted

ANNUAL GRANT

The Association listed below has sent in its annual returns for the year 1979. The amounts of the grant which it should receive under the Regulation for 1980 and that which it received in 1979 are as follows:

	1979			*1980*
Muskoka	$1,320		$1,355	
		Less 10% for late filing	135	$1,220

Approved, subject to the approval of the Finance Committee.

REPORTING

ONTARIO REPORTS – CONTRACT

The Secretary reported that he had received a tender to publish the Ontario Reports for the period January 1 to June 30, 1981, the amount quoted being less an estimated credit for D.L.R. pick-ups. After discussion the Committee recommended that the tender of Canada Law Book Limited be approved in the amount quoted, subject to the approval of the Finance Committee.

EDITORIAL BOARD – ONTARIO REPORTS

The Secretary reported that he had received a letter from Mr. Marks indicating that Canada Law Book Limited was going to appoint Professor Katherine E. Swinton to the Editorial Board of the Ontario Reports to replace Professor W. R. Rayner.

Noted

THE REPORT WAS ADOPTED

. . . .

LEGISLATION AND RULES COMMITTEE–Mr. Furlong

Mr. P. K. E. McWilliams, Vice-Chairman, presented the Report of the Legislation and Rules Committee on its meetings of Monday, 9th April, and Friday, 29th August, 1980.

On Monday, 9th April 1980, the following members were present: Messrs. Furlong (Chairman) and Doran, and Mrs. Legge.

On Friday, 29th August 1980, the following members were present: Messrs. Furlong (Chairman) and McWilliams, and Mrs. Legge.

1. PRACTICE AND INSURANCE COMMITTEE

The Report of the Practice and Insurance Committee which was adopted by Convocation on 15th February, 1980 contained the following recommendation:

> " Your Committee recommends that appropriate amendment to the Law Society Act be sought to empower the Society to suspend the rights of a member who has failed for six months or longer to pay what is owed as the individual deductible amount of any claim and also to add interest to outstanding amounts after an appropriate period. Meanwhile, your Committee intends to write to members who have not paid individual deductible amounts and demand payment and to take further action as may be appropriate in each case."

Upon consideration of the matter, this Committee recommended that a new section under The Law Society Act be enacted as follows:

> 36*b*.–(1) If a member fails to pay the deductible amount due by him pursuant to any arrangements made by the Society respecting indemnity for professional liability within six months after the day on which such payment became due, Convocation may by order suspend his rights and privileges as a member for such time and on such terms as it considers proper in the circumstances.
>
> (2) The Society may charge interest on the deductible amount due by a member pursuant to any arrangements made by the Society respecting indemnity for professional liability at the prime rate as defined in The Judicature Act, R.S.O. 1970, c.228, s. 38, and any amendments thereto.

2. IMPOSITION OF FINES

The Report of the Discipline Committee dated 10th January, 1980 which was adopted by Convocation on 18th January, 1980 contained the following item:

> "FINES
>
> While it is recognized that there must be a penalty that in severity is between a reprimand in Convocation and disbarment there has been from time to time the view expressed that a suspension is not appropriate for several reasons. After a thorough discussion your Committee recommends that appropriate amendments to the Act be sought to add as a penalty, the power to fine. The proceeds of such fines would be retained by the Society."

Upon consideration of the matter this Committee recommended that amendments be made to sections 34 and 36 of The Law Society Act. Section 34 deals with suspension or cancellation of rights and privileges as a result of disciplinary proceedings. That section should be amended to include a provision for the imposition of fines. An amendment is necessary also to ensure that the provisions apply to suspensions under sections 36, 36*a*. which deals with annual filing, and 36*b*. as recommended in item 1 above. Section 36 of the Act provides for suspension for failure to pay fees and levy and it should be amended as well to include non-payment of fines. A minor amendment is also necessary to bring the wording in keeping with the phraseology in section 36*b*. in item 1 of this Report.

Set out below are the aforementioned sections as amended by the Committee.

(a) Section 34

34.–(1) If a member is found guilty of professional misconduct or of conduct unbecoming a barrister and solicitor after due investigation by a committee of Convocation, Convocation may by order cancel his membership in the Society by disbarring him as a barrister and striking his name off the roll of solicitors or may by order suspend his rights and privileges as a member for a period to be named *or may by order impose upon him a fine of not more than $5,000.00* or may by order reprimand him or may by order make such other disposition as it considers proper in the circumstances.

(2) Within 7 days from the effective date of cancellation of his membership or suspension of his rights and privileges *pursuant to this section or suspension of his rights and privileges pursuant to sections 36, 36a. or 36b.*, a former member or member shall satisfy the Secretary that he has made suitable arrangements for making available to his clients or some other member or members instructed by either his clients or himself:

(a) all wills, documents evidencing title, books of account, records and vouchers, and all papers in his possession or control relating to any trust;

(b) all money and other property held by him on behalf of his clients; and

(c) all files and papers in his possession or control relating to clients' matters,

and if he fails so to satisfy the Secretary, sections 42 and 43 may be applied mutatis mutandis in relation to him.

(3) For the purposes of subsection 2, the expression "effective date" means the latest of the following dates:

(a) the date of the order of Convocation by which his membership is cancelled or his rights and privileges are suspended;

(b) the last date on which an appeal against that order may be lodged;

(c) the date on which any such appeal is dismissed or abandoned.

(4) *Fines imposed upon a member pursuant to this section shall be paid by him to the Society and shall form part of the funds of the Society.*

The above amendments are the second set of amendments to be made to section 34. The previous changes, being the renumbering of section 34 to section 34(1) and the addition of the above new subsections 2 and 3, were forwarded to the Attorney General on 20th June, 1979 but have not, as yet, been enacted.

(b) Section 36

> 36. If a member fails to pay any fee, levy *or fine* payable by him to the Society within four months after the day on which payment *became* due, Convocation may by order suspend his rights and privileges as a member for such time and on such terms as it considers proper in the circumstances.

(c) Section 36*a*.

In June 1979, a proposed new section 36a. under The Law Society Act was submitted to the Attorney General but has not as yet been enacted. This section provides for the suspension of rights and privileges of members who fail to comply with the requirements of annual filing within the prescribed time. Since the preferred expression among the Committee members is "became due" rather than "is due" for all sections relating to suspensions, a further amendment is required to section 36*a*. for consistency so that section 36*a*. will now read:

> 36*a*. If a member fails to file any statutory declaration or report required by this act or the Regulations within two months after the day on which filing *became* due, Convocation may by order suspend his rights and privileges as a member for such time and on such terms as it considers proper in the circumstances.

THE REPORT WAS ADOPTED

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PRACTICE AND INSURANCE COMMITTEE–Mr. Brulé

Mr. J. A. Brulé, Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 11th September, 1980.

The following members were present: Messrs. Brulé (Chairman), Barr, Farquharson, Noble, Wardlaw and Mrs. Legge. Messrs. Maltman and Hargraft were present at the Chairman's request.

PROFESSIONAL ORGANIZATIONS COMMITTEE

The following recommendations contained in the Report of the Professional Organizations Committee should be considered by this Committee:

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2.16 Where participation in a programme offered by a professional organization is a condition of continued retention of the right to practise, the provision of such a programme should be governed by regulations. In particular, The Law Society Act should be revised to provide that Convocation may make regulations governing the provision of errors and omissions insurance to its members.

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9.3 The regulation-making powers in the statutes establishing each of the self-regulating licensing bodies in the accounting, architectural, engineering, and legal professions should be amended to empower each of these professions to propose regulations providing for the implementation of practice inspection programmes and providing for the admissibility of evidence obtained pursuant thereto in disciplinary proceedings.

Correspondence from members of the Committee was before the Committee.

Noted

ADJUSTERS FEES

Lists of fees paid in June, July and August, 1980 to adjusters under the old Fund, the 1977 Fund, the 1978 Fund, the 1979 Fund and the 1980 Fund were before the Committee.

Approved

COUNSEL FEES

Lists of fees paid to Counsel during June, July and August, 1980, were before the Committee.

Noted

MONTHLY REPORT

Mr. Hargraft's monthly report was before the Committee.

Noted. The three specific deductibles listed to be written off.

PRACTICE ADVISORY SERVICE

A report from the Director was before the Committee.

Noted

ACCOUNT

An account in the amount of $1,200.00 from Miss Joan Morham of F.C. Maltman & Co. was before the Committee for its approval for payment.

Approved

ERRORS AND INSURANCE LEVY AND PENALTIES

An experience rating allowance (E.R.A.) of $50 will be deducted from the 1981 levy for members who have been claim-free in the three-year period ending 30th September, 1980. The definition of claim-free will be the same as that followed in the previous year.

There will be a penalty of $50 added to the levy for members who have not attended the loss control programme. The cut-off date for attendance at a programme will be 30th November, 1980.

Members renewing their insurance for 1981 will, therefore, pay one of the following:

(a) The basic levy;
(b) The basic levy less $50 experience rating allowance;
(c) The basic levy plus the non-attendance penalty;
(d) The basic levy less E.R.A. plus the non-attendance penalty.

Members becoming insured for the first time in 1981 will pay the basic levy less E.R.A. These members cannot be penalized for non-attendance at the loss control programme. As before, new members and newly insured members who start to practise part-way through the year will be billed 75%, 50% or 25% of the basic levy less the same percentage of E.R.A.

At an earlier meeting, the Committee decided that a penalty would be charged for late payment of the insurance levy in 1981 and this was announced in Communiqué No. 93.

No amount was set. It is suggested that the penalty be $25 for any member who has not paid the levy by February 28th, 1981. A second notice is sent to members in mid-February. The $25 penalty would be added to the amount due and shown on the second notice.

The Committee was also asked to consider a policy of refunding part of the levy paid to a member who ceases to be insured part-way through the year. The present policy of collecting a pro-rata levy from a person starting practice part-way through the year, is inconsistent with the policy of not making any refunds. In the negotiations with Gestas regarding the 1981 programme, the question of whether they would refund their part of the levy is to be explored.

Approved

The Committee recommended that the levy be increased by $25 and that a $25 discount be given for payment by 28th February, 1981.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. P. B. C. Pepper, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 11th September, 1980.

The following members were present: Messrs. Pepper (Chairman), Cass and Farquharson.

APPLICATIONS

Between June and September the Chairman authorized grants to four applicants and the Committee ratified his action.

One applicant requested a further grant and submitted a statement of income and expenses. The Committee recommended that a further grant be made.

THE REPORT WAS ADOPTED

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DISCIPLINE COMMITTEE (Continued)

COMPENSATION FUND REPORT

Re: GEORGE T. MITCHES

Mr. Noel Ogilvie, Vice-Chairman, presented the Report of the Discipline Committee of its meetings on Tuesday, 29th April, and Wednesday, 9th July, 1980, with respect to applications to the Compensation Fund in connection with the practice of the late *George T. Mitches*.

The following members were present: Messrs. Willoughby (Chairman), Ferrier and Yachetti.

The Committee first considered the Report of the Referee, The Honourable J. B. Aylesworth, Q.C., on April 29th, 1980 and approved of his recommendations which were as follows:

Of the 19 claims totalling $1,414,686.83 filed, three were to be held (two because of pending litigation), three were to be dismissed and 13 were allowed in the amount of $240,915.89.

All claimants who did not receive the amount they claimed in the grant recommended from the Fund were given fourteen days, after receiving a copy of the excerpt of the Referee's Report concerning their claim, to file further written submissions after which time the Committee would proceed to dispose of the matter.

Counsel representing seven claimants filed further written submissions and one counsel representing three claimants made oral representations to the Committee in addition to making further written submissions.

After considering the further written submissions and the oral representations by counsel the Committee met on July 9th, 1980 to consider and to decide what to recommend to Convocation.

The five claimants that filed claims totalling $563,832.20 in the Halpenny Estate all filed further written submissions with the Committee. After considering the further written submissions of counsel for William Nixon in his personal capacity and in his capacity as Executor of the Estate of Wilhelmina Halpenny, the Committee agreed with the Referee that the grounds of hardship advanced as a reason for the Committee exercising its discretion to exceed the $25,000 individual limit were not sufficient evidence of financial hardship to justify a grant of more than the $25,000 recommended by the Referee.

Counsel for David, Gordon and Mark Raithby submitted that due to financial hardship the grant of $54,000 should be increased and that the evidence before the Committee was sufficient to justify it exercising its discretion to make a grant to each of the three beneficiaries of the Alice Faye Raithby Estate in excess of the individual limit of $25,000 per claimant.

Counsel for the Law Society submitted that the executor of the estate was the proper claimant and not the individual beneficiaries, David, Gordon and Mark Raithby. The Committee agreed with this submission and with the Referee's recommendation to the same effect. To permit the beneficiaries to submit individual claims to the Fund would set a precedent that could lead to a multiplicity of claims against the Fund. It is clear that in this matter the individual beneficiary was not a client of the solicitor but the Executor of the Estate was the client. The Committee decided that it is the Raithby Estate that can properly make a claim through its Executor and any grant from the Fund will be paid to the Executor for distribution.

The Committee was impressed with the submissions and representations of financial hardship made by counsel for David, Gordon and Mark Raithby. The Committee agreed with the Referee that hardship certainly will occur if the $25,000 limit is applied to the Executor's claim. After lengthy discussion, the Committee recommended that the amount to be paid to the Executor of the Alice Faye Raithby Estate be increased from $54,000 to $75,000.

The Committee considered further written submissions of counsel for Katherine and Denonis Karamessinis and decided not to change the original recommendation of the Referee.

The Committee considered the further written submissions of counsel for George P. Koumoutsidis and was impressed with the fact that he did not know the exact amount of the monies owing to him through no fault of his own. The Referee recommended that the claim be disallowed because of the claimant's laxity and neglect. The Committee was impressed with the fact that as soon as he was aware of Mr. George Mitches' financial difficulty he demanded payment. With great respect to the

Referee, who had the advantage of hearing the evidence of the claimant, the Committee recommended a grant to Mr. Koumoutsidis of $2,500.

The Committee next considered the second claim which was recommended by the Referee in excess of $25,000 and agreed with his reasons (financial hardship) for exercising its discretion and accordingly recommended a payment of $38,225.

The Committee considered the per solicitor limit of $150,000 that applied to all of these claims and felt that this discretionary limit should be exceeded as to do otherwise would be inequitable to some of the claimants whose financial losses far exceeded the amounts recommended for payment.

The Committee therefore recommended that the recommendations of the Referee, as varied by the Committee, be as follows:

Claimant	*Allowed at*
Alvin W. Barclay	$ 25,000.00
John Benos	7,526.72
The Canada Trust Company	Hold
John and Avgenia Dalakonis	38,225.00
Bill Delis	8,826.72
Katherine and Chris Giannakakis	4,751.50
George William Green	25,000.00
R. Michael and K. Louise Henry	17,082.84
Katherine and Denonis Karamessinis	Nil
George Peter Koumoutsidis	2,500.00
Morguard Trust Company (1)	Hold
Morguard Trust Company (2)	Hold
William Nixon	25,000.00
William Nixon, Executor of Wilhelmina Halpenny	Nil
The Executor of the Alice Faye Raithby Estate	75,000.00
389122 Ontario Limited	10,686.01
Thomas and Toula Tsiapalis	24,817.10
	$264,415.89

Mr. Lerner withdrew from Convocation, took no part in the discussion and did not vote.

THE REPORT WAS ADOPTED

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CONVOCATION ROSE AT 5:05 P.M.

. . . .

Confirmed in Convocation 21st November, 1980.

J. D. BOWLBY
Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 17th October, 1980
10:00 a.m.

PRESENT:

The Treasurer (Mr. J. D. Bowlby) and Messrs. Bragagnolo, Brulé, Bynoe, Carter, Carthy, Cass, Chadwick, Chilcott, Doran, Farquharson, Fennell, Ferrier, Finlayson, Furlong, Genest, Goodman, Ground, Guthrie, Humphrey, Lamont, Mrs. Legge, Messrs. Lerner, Lochead, Noble, O'Brien, Ogilvie, Ruby, Scace, Sheard, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wardlaw, White and Yachetti.

....

MINUTES

The Minutes of Special Convocation of 18th September, 1980 were confirmed.

....

J. A. D. SLEMIN, Q.C.
BENCHER EX OFFICIO

The Treasurer referred with regret to the death of John Austin Dufferin Slemin of Brantford on 26th September, 1980, a Bencher ex officio of the Society since 1971 and an honorary member of the Society since 1967. After serving in the Canadian Army overseas in World War I, Mr. Slemin returned to Osgoode Hall Law School and was called to the Bar 19th June, 1919, and from that time he practised in partnership in the City of Brantford. At one time he served as Mayor of Brantford. Mr. Slemin was first elected a Bencher of the Society in the Benchers election of 1956 and subsequently at the elections of 1961 and 1966. As an elected Bencher he gave diligent service on many of the Society's standing committees and as a Bencher ex officio he maintained an active interest in the business of the Bench, despite the fact that in recent years frail health prevented his attendance at Convocation.

....

STANDING COMMITTEES CHANGES IN CONSTITUTION

The Treasurer reported that since his report to Special Convocation on 17th July, 1980, the following changes have been effected in the constitution of the Standing Committees:

Committee	*Addition*	*Deletion*
Finance	Finlayson, G. D.	–
Legal Education	–	Outerbridge, I. W.
Admissions	Finlayson, G. D. Outerbridge, I. W.	– –
Discipline (Policy)	Finlayson, G. D.	–
Legislation and Rules	Ruby, C. C.	Furlong, P.G.
Legal Aid	Brassard, Joanne (Ms.) Bynoe, B.C.	Nixon, B. –

and that the following changes have occured with respect to the Chairmen and Vice-Chairmen of the Standing Committees:

Committee	*Addition*	*Deletion*
Admissions	Lamont, D. H. L. Vice-Chairman	Cooper, A. M. Vice-Chairman
Discipline (including Policy)	Genest, P. Chairman	Genest, P. Vice-Chairman
	Furlong, P. G. Vice-Chairman	–
Legislation and Rules	McWilliams, P. K. E. Chairman	Furlong, P. G. Chairman
	Ruby, C. C. Vice-Chairman	McWilliams, P. K. E. Vice-Chairman

. . . .

APPOINTMENT OF SPECIAL COMMITTEE ON OBSERVANCE OF REMEMBRANCE DAY

The Treasurer announced that he had appointed Mr. *E. A. Goodman* as Chairman with Mr. *Noel Ogilvie* to act as the Special Committee to assist with the arrangements for the Society's observance of Remembrance Day on Thursday, 13th November, 1980, which is also the regular monthly Meeting Day of the Standing Committees. The service is to take place at 12:30 p.m. before the Society's First World War Memorial in the Great Library at Osgoode Hall.

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ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 9th October, 1980.

The following members were present: Mrs. L. L. Legge (Chairman), Messrs. Carthy, Cass, Catzman, Chilcott, Ferrier, Lamont, Pepper, Scace, Mrs. Sutherland and Mr. White.

OCCASIONAL APPEARANCE

D'Arcy Charles Henry McCaffrey, of the Province of Manitoba, applied to proceed under Section 10 of the Regulation, "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Regina vs. Smerchanski.*

He was granted permission once before in October 1979, to appear in the case of *Lakehead University vs. Midway Roofing and Supply Limited.* Mr. McCaffrey requested an Occasional Appearance in this instance since the prosecution involves a great deal of documentary evidence, much of which comes from Manitoba, and with which Mr. McCaffrey is very familiar. A letter from J. Douglas Crane, Q.C. in support of Mr. McCaffrey's request was before the Committee.

Mr. McCaffrey submitted a Certificate of Good Standing and his letter requesting a further call to the Bar in Ontario to the Committee. He asked to be called to the Bar at the October Convocation.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Occasional Appearance

At its meeting on 9th October, 1980, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearances in Ontario of lawyers from other

Provinces" and that upon giving the necessary undertaking, he be called to the Bar and admitted as a Solicitor:

D'Arcy Charles Henry McCaffrey	Province of Manitoba

Special – Regulation 9

The following candidates, having filed the necessary papers, paid the required fee of $200 and complied with the requirements of the Admissions Committee in their particular cases, were entitled to be called to the Bar and to be granted Certificates of Fitness:

Richard James Balfour	Osgoode Hall Law School of York University
William James Braithwaite	Osgoode Hall Law School of York University
Berend Hovius	Faculty of Law, University of Western Ontario
Brian Michael Mazer	Faculty of Law, University of Windsor
Donald Keith McNair	Faculty of Law, University of Western Ontario
Julio Ruberto Menezes	Faculty of Law, University of Windsor
Freda Mariam Steel	Faculty of Law, University of Ottawa

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

Three further candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary documents, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the 22nd Bar Admission Course.

A further 289 candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary documents, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the 23rd Bar Admission Course.

Approved

STATUTES AND PROCEDURES EXAMINATION

A candidate, who was approved to transfer to practise in Ontario under Regulation 4(2) and (1) in June 1978, wrote the comprehensive examination on the common law in June 1980 and passed. He requested permission to extend his eligibility period to sit the transfer examination to June 1981. He had been granted an extension in February 1980 to the eighteen-month period within which the Committee had ruled that candidates must write the prescribed examinations. His letter was before the Committee.

Approved

COMMON LAW EXAMINATION

A petitioner who had obtained a B.A. degree from McGill University in 1964, and an LL.L. degree from the University of Ottawa in 1979, was called to the Bar of the Province of Quebec on 9th July, 1970. He petitioned the Committee on 11th September, 1980, whether, in his particular circumstances, the requirement of writing the comprehensive examination on the common law under the terms of Regulation 4(2) may be waived. The petition was denied.

The petitioner's letter asking if the Committee would reconsider his petition for exemption was before the Committee.

The Committee again recommended that the petition be denied.

THE QUALITY OF LEGAL SERVICES

This item was before the Committee at its meeting in September 1980. The Committee was asked to consider the question of the quality of legal services in relation to selection criteria now being applied to those entering the profession.

The Committee recommended no action and appointed a Committee consisting of Mr. R. W. Cass (Chairman), Messrs. Scace and Lamont to consider the matter and report to the Committee.

THE REPORT WAS ADOPTED

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CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Richard James Balfour
William James Braithwaite
Berend Hovius
Brian Michael Mazer
Donald Keith McNair
Julio Ruberto Menezes
Freda Mariam Steel

....

DISCIPLINE COMMITTEE–Mr. Genest

Re: PETER CSONT, Waterloo

Mr. Genest placed the matter before Convocation.

The reporter was present.

Those members of the Bench who did not form part of the quorum when the matter was before Special Convocation on 18th September, 1980, withdrew from Convocation, took no part in the discussions and did not vote.

The quorum consisted of the following:

> The Treasurer and Messrs. Brulé, Doran, Ferrier, Furlong, Genest, Humphrey, Lamont, Lerner, O'Brien, Ogilvie, Mesdames Sutherland and Tait, Messrs. Thom, Wardlaw, White and Yachetti.

The solicitor attended with his counsel, Mr. John I. Laskin. Mr. Brian P. Bellmore represented the Society.

Prior to the adjournment on 18th September, 1980, the Report of the Discipline Committee, dated 12th September, 1980, wherein the solicitor was found guilty of professional misconduct, was accepted by Convocation and three motions respecting penalty were placed before Convocation. (*See p. 376-80.*)

Mr. Laskin presented a letter, dated 16th October, 1980, from the Waterloo Law Association, signed by the President and the Secretary, respecting the standing and reputation of the solicitor in the profession and the community (*marked Exhibit 2*) and made submissions as to penalty.

Mr. Bellmore made submissions.

The solicitor, counsel and the reporter withdrew.

The first motion that the solicitor be reprimanded in Convocation and required to pay the Society's costs of the investigation was *not put*.

The second motion that the solicitor be suspended from the practice of law for a period of one year was *carried*.

The third motion that the solicitor be suspended for a period of three months and required to pay the Society's costs of the investigation was *not put*.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of Convocation's decision.

The solicitor and counsel retired.

. . . .

Re: BERNARD ARON, Toronto

Mr. Genest placed the matter before Convocation.

The reporter was present.

Mr. Furlong withdrew from Convocation, took no part in the discussions and did not vote.

The solicitor attended with his counsel, Mr. Donald E. Short. Mr. Stephen M. Grant represented the Society.

This matter was adjourned from Special Convocation on 18th September, 1980, when the Report of the Discipline Committee, dated 25th August, 1980, was filed in Convocation. *(See p. 365.)* The solicitor was found guilty of professional misconduct. He had altered the terms of a mortgage and directed a bank to pay the proceeds to himself, all without his client's knowledge, and misappropriated more than $30,000 of his client's funds.

Mr. Short had no submissions to make as to the Report of the Discipline Committee.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that the Report of the Discipline Committee, dated 25th August, 1980, wherein the solicitor was found guilty of professional misconduct be accepted.

The motion was *carried*.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that Convocation had accepted the Report.

Convocation was advised that the Recommendation as to Penalty of the Discipline Committee was that the solicitor be disbarred.

Mr. Short made no submissions as to penalty.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The motion was *carried*.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of Convocation's action.

The solicitor, counsel and the reporter retired.

....

GENERAL REPORT

Mr. Genest presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 9th October, 1980.

The following members were present: Messrs. Genest (Chairman), Furlong, Ogilvie and Yachetti (Vice-Chairmen), Cass, Finlayson, Ruby, Mrs. Sutherland and Mr. White.

SUSPENSION OF MEMBERS FOLLOW–UP PROCEDURES

At the September Convocation, a motion was passed requesting the Discipline Committee to consider steps that may be taken against members who have been suspended and yet continue to practise.

At present, when a solicitor is suspended by an order of Convocation, the following steps are taken:

(a) a registered letter is mailed to the member advising him of the terms of suspension;

(b) the Registrar of the Supreme Court of Ontario is notified; and

(c) the names of suspended members are published in the Ontario Reports.

At present, there are amendments to Section 34 of The Law Society Act awaiting enactment. One of the amendments, Section 34(2) provides as follows:

> "Within 7 days from the effective date of cancellation of his membership or suspension of his rights and privileges *pursuant to this section or suspension of his rights and privileges pursuant to Section 36, 36a. or 36b.*, a former member or member shall satisfy the Secretary that he has made suitable arrangements for making available to his clients or some other member or members instructed by either his clients or himself:
>
> (a) all wills, documents evidencing title, books of account, records and vouchers, and all papers in his possession or control relating to any trust;
>
> (b) all money and other property held by him on behalf of his clients; and
>
> (c) all files and papers in his possession or control relating to clients' matters,
>
> and if he fails so to satisfy the Secretary, sections 42 and 43 may be applied mutatis mutandis in relation to him."

Section 36 of The Law Society Act reads as follows:

> "If a member fails to pay any fee or levy payable by him to the Society within four months after the day on which payment is due, Convocation may by order suspend his rights and privileges as a member for such time and on such terms as it considers proper in the circumstances."

The present Section 36 provides that Convocation may on suspending a member impose such terms as it considers proper in the circumstances. The Committee recommended that until such time as Section 34(2) is enacted by the Legislature any suspension order made by Convocation pursuant to Section 36 include the terms set out in Section 34(2) above, namely, that within 7 days of the effective date of suspension of a member's rights and privileges, the member shall satisfy the Secretary that he has made suitable arrangements for making available to his clients or some other member or members instructed by either his clients or himself:

(a) all wills, documents evidencing title, books of account, records and vouchers, and all papers in his possession or control relating to any trust;

(b) all money and other property held by him on behalf of his clients; and

(c) all files and papers in his possession or control relating to clients' matters.

THE REPORT WAS ADOPTED

. . . .

COMPENSATION FUND REPORT

Re: JAMES H. PEARSON

Mr. Genest presented the Report of the Discipline Committee, dated 23rd September, 1980, with respect to claims against the Compensation Fund arising out of the practice of James H. Pearson.

James H. Pearson was disbarred on the 27th day of July, 1976.

The Discipline Committee composed of Messrs. McWilliams (Chairman), Furlong and Mrs. Legge approved of the third Report of the Referee, The Honourable John B. Aylesworth, Q.C., on two claims which he had recommended be paid, each in the amount of $25,000, the applicable individual limit when the funds were entrusted to the former solicitor.

The total of these two claims is $50,000 which, when added to the previous amounts approved by this Committee and Convocation ($399,069.17), brings the total to be paid out of the Compensation Fund to $449,069.17.

The Committee considered that the Referee's Report recommended that the $150,000 discretionary limit per solicitor be further exceeded by these two granted of $25,000 each. The Committee felt that since Convocation had already exercised its discretion to exceed the discretionary limit per solicitor, it would be equitable to approve these two grants.

The Committee was advised that the Referee will be making a further report on three claims totalling $196,000, which are being held in abeyance pending the outcome of litigation.

The Committee recommended, on the basis of the Referee's Report, that the following payments be made:

Claimant	*Amount Claimed*	*Referee's Report*	*Amount Recommended*
Rolf Bentzen	$ 40,000.00	$25,000.00	$25,000.00
Mrs. Margaret Pearson	50,000.00	25,000.00	25,000.00
TOTAL	$100,000.00	$50,000.00	$50,000.00

THE REPORT WAS ADOPTED

. . . .

COMPENSATION FUND SUMMARIES

Mr. Noel Ogilvie, Vice-Chairman, presented the Compensation Fund Summary for the period ended 30th June, 1980.

COMPENSATION FUND

For the Period from 1st July, 1979 to 30th June, 1980

(12 months)

TOTAL RECEIPTS	$ 823,868.29
TOTAL DISBURSEMENTS	$ 823,777.71
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 90.58
BALANCE OF FUND at beginning of period	$1,573,891.13
BALANCE OF FUND at end of period	$1,573,981.71
CLAIMS RECEIVED and in the course of being processed at end of period	$8,435,012.53

Mr. Ogilvie also presented the Compensation Fund

Summary for the period ended 30th September, 1980.

COMPENSATION FUND

For the Period from 1st July, 1980 to 30th September, 1980

(3 months)

TOTAL RECEIPTS	$ 356,266.30
TOTAL DISBURSEMENTS	$ 44,833.84
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 311,432.46
BALANCE OF FUND at beginning of period	$1,573,981.71
BALANCE OF FUND at end of period	$1,885,414.17
CLAIMS RECEIVED and in the course of being processed at end of period	$9,991,006.65

THE SUMMARIES WERE ADOPTED

. . . .

FINANCE COMMITTEE–Mr. Pepper

Mr. A. R. A. Scace, Vice-Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 9th October, 1980.

The following members were present: Messrs. Pepper (Chairman), Brulé, Chilcott, Fennell, Lochead, Ogilvie, Scace and Shaffer.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointment to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

Ronald Bartlett Warren, Q.C. Sudbury	Called – 24 June 1954 Appointed County Court Judge, District of Algoma – 10 July 1980
Martin T. J. Morrissey, Q.C. London	Called – 15 September 1949 Appointed County Court Judge, Regional Municipality of Peel – 10 July 1980

Claude Henri Paris Ottawa	Called – 17 March 1967 Appointed Provincial Court Judge, Criminal Division, Judicial District of York – 2 September 1980
Ernest Loukidelis North Bay	Called – 25 June 1959 Appointed County Court Judge, District of Parry Sound – 10 July 1980
William Burley Lane, Q.C. Picton	Called – 13 April 1962 Appointed County Court Judge, Judicial District of Durham – 10 July 1980

Deaths

The following members have died:

John Donald Templeman, Q.C. Belleville	Called – 28 June 1956 Died – 5 September 1980
Harry Simcoe Parkinson, Q.C. Toronto (Life Member)	Called – 20 March 1919 Died – 8 September 1980
Robson Grant Hind Ottawa	Called – 23 March 1973 Died – 22 April 1980
Leonard Wilson Mitchell, Q.C. Toronto (Life Member)	Called – 18 September 1930 Died – 19 September 1980
John Austin Dufferin Slemin, Q.C. Brantford (Life Member)	Called – 19 June 1919 Died – 26 September 1980

Disbarments

The following members have been disbarred and struck off the rolls and their names have been removed from the rolls and records of the Society:

Gary James Henry Yellowknife	Called – 19 March 1970 Disbarred – Convocation, 18 September 1980
Peter Anthony Eickmeier Grimsby	Called – 26 March 1971 Disbarred – Convocation, 18 September 1980

Noted

LIFE MEMBERS

Pursuant to Rule 49, the following were eligible to become

Life Members of the Society effective 16 October, 1980:

Sherburne Tupper Bigelow, Q.C.	Toronto
George Rondeau Brett, Q.C.	Leamington
John Wesley Burgess, Q.C.	Wallaceburg
David Sylvester Charlton, Q.C.	Cambridge
John Gladstone Currie, Q.C.	Barrie
The Hon. William Anthony Donohue, Q.C.	Sarnia
Samuel Nathaniel Goldhar, Q.C.	Toronto
John Wanless McMaster, Q.C.	Toronto
Rupert Charles McMichael, Q.C.	Toronto
Ross Ryrie, Q.C.	Oakville
Charles Frederick Sanderson, Q.C.	Toronto

Noted

MEMBERSHIP UNDER RULE 50

Retired Members

The following members who are sixty-five years of age and fully retired from the practice of law, requested permission to continue their membership in the Society without payment of annual fees:

Richard Howard Habbeshaw	Toronto
Joseph Macklin Priddle	Ottawa
Roderick Gilmour Lewis, Q.C.	Toronto
Edward Alexander Reid	London
Orian Edgar Beverly Low, Q.C.	Ottawa
Alan Albert Russell, Q.C.	Willowdale
Robert Bancroft McCulloch, Q.C.	Belleville
Philip Ephraim Band, Q.C.	Toronto
Frank Oatley Plant	Ottawa

Approved

CHANGE OF NAME

The following student members have requested that their names be changed on the rolls of the Society and have submitted the required documentation in support:

From	*To*
Alfred Rudolph Vanier	*Rodolphe Alfred* Vanier (Court Order)
Gina Anna Maria Brannan	Gina *Saccoccio* Brannan (including maiden name)

In the case of Mrs. Brannan, the Committee was asked to note that the petitioner had requested two changes, (a) deletion of two given names – Anna Maria; and (b) addition of her maiden surname, while retaining her married surname.

Approved

MISCELLANEOUS FEES

Rule 50 sets out the following miscellaneous fees:

Special petitions	$ 5
Certificate of good standing	$ 2
Transcript of class standing and rating in individual subjects	$ 2
Additional copies	$ 1
Duplicate diploma	$ 2
Letter certifying that a member is in good standing	$ 1

These fees have remained unchanged for many years, with the exception of the fee for a duplicate diploma for which $7.00 is now being charged.

It was suggested that all these fees be increased and a new schedule be as follows:

Special petitions	$10
Certificate of good standing	$10
Transcript of class standing and rating in individual subjects	$10
Additional copies	$ 2
Duplicate diploma	$10
Letter certifying that a member is in good standing	$10

A duplicate diploma costs $9.52 to prepare, including postage.

Approved

ERRORS AND OMISSIONS INSURANCE

There are eleven members of the Society who were called to the Bar in April and May 1980 and who have not complied with the requirements respecting Errors and Omissions Insurance.

Notices regarding the levy were handed to all students in the Bar Admission Course. A second notice was mailed on 27 June 1980 and a third notice on 24 September 1980 to those who had not paid the levy nor filed a declaration of exemption.

The Committee was asked to approve that those members who have still not complied with the requirements respecting Errors and Omissions insurance be advised that Convocation on 17 October 1980 will have before it a recommendation that their rights and privileges as members of the Society be suspended effective on 31 October 1980.

Approved

See motion, p. 458-9.

STAFF SURVEY

The following firms had been asked to submit proposals respecting a survey to be carried out of the work of the Secretariat and the salaries paid:

Woods Gordon
Peat, Marwick & Partners
Rourke, Bourbonnais & Associates

The proposals were before the Committee and each included an estimate of their fees.

The Committee recommended that Peat, Marwick & Partners be retained, and that the Chairman and Secretary be authorized to define the terms of reference.

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing those law associations which had sent in their Annual Returns for 1979 and setting out the amounts of the grants to which they appear to be entitled under the Regulation in 1979 and 1980. The Libraries and Reporting Committee approved these grants at its meeting on 9th October, 1980, subject to the approval of this Committee.

Approved

ACTING CHIEF LIBRARIAN

At its meeting on 11 September 1980, the Committee approved the appointment of Mr. G. W. Howell to the position of Acting Chief Librarian as of 1 October 1980, at a salary to be approved by the Finance Committee. The Committee approved a salary to be effective 1 October 1980.

THE REPORT WAS ADOPTED

. . . .

MOTION TO SUSPEND: ARREARS OF ERRORS AND OMISSIONS INSURANCE LEVY

It was moved, seconded and *carried* that the rights and privileges of the seven barristers and solicitors who failed to pay the levy prescribed under Section 53 of The Law Society Act by 31st October, 1980 and who had not been granted exemption from coverage by that date be suspended from 31st October, 1980 for a period of one year and from year to year thereafter or until their levies are paid or until they have been granted exemption from coverage.

Three members were suspended as of 31st October, 1980; all three were subsequently reinstated.

....

LEGAL AID COMMITTEE–Mr. Chadwick

Mr. J. B. Chadwick, Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 8th October, 1980.

The following members were present: James B. Chadwick, Chairman, Messrs. Barnes, Ellis, Mrs. Fleming, Mr. Guthrie, Mrs. Jarmain, Messrs. Jones, Lamb, Ogilvie, Russell, Mrs. Smyth, Mrs. Tait and Mr. Wallace.

The following observer members were also present: Robert Armstrong, Q.C., for the Advocates' Society, and M. S. Fitzpatrick, Q.C., Ministry of the Attorney General.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95(2), for the five month period ended August 31, 1980, shows that payments from the Legal Aid Fund exceeded budget by $1,186,000. Funds designated for community clinics were underspent by $258,000, with the result that the remaining payments exceeded budget by $1,444,000 as follows:

Over budget	*$*	*$*
Criminal certificate accounts	1,522,000	
Student Legal Aid Societies	136,000	
Area Office costs	100,000	
Provincial Office costs	80,000	1,838,000

Under budget	*$*	*$*
Duty Counsel payments	135,000	
Civil certificate accounts	151,000	
Legal Advice accounts	7,000	
Salaried Duty Counsel programme	22,000	
Research Facility	50,000	
Special Projects	29,000	394,000
		1,444,000

Income from sources other than the Province of Ontario was under budget by $1,020,000 as follows:

Under budget	*$*	*$*
Law Foundation	814,000	
Client contributions	100,000	
Costs recovered	141,000	1,055,000
Over budget		
Miscellaneous income		35,000
		1,020,000

At August 31, there was a balance in the Fund of $1,932,000.

The over-payment to Student Legal Aid Societies is recoverable from the provincial government as part of its Experience '80 Programme.

Statistics

The following table compares reported activity for the first five fiscal months of this fiscal year with the activity for the same period in the previous fiscal year:

	5 Months ended		*% Change*	
	Aug. 31/80	*Aug. 31/79*	*from last year*	
Summary Legal Advice	17,895	20,062	–	10.8
Referrals to other agencies	29,930	25,481	+	17.5
Applications for certificates	46,588	48,490	–	3.9
Refusals	17,536	15,611		
As a percentage of applications	37.6	32.2	+	12.3
Certificates issued	32,236	34,233	–	5.8
Persons assisted by Duty Counsel:				
Fee for Service	60,961	65,114		
Salaried Duty Counsel	21,964	21,341		
Total	82,925	86,455	–	4.1

Write-Offs

George E. Wallace, Q.C., approved the write-offs of the following total of amounts due to the Legal Aid Fund: $7,292.80.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Activity

	1980/81 Fiscal Year		*1979/80 Fiscal Year*	
	Month of Aug. 1980	*4 Months to Aug. 1980*	*Month of Aug. 1979*	*4 Months to Aug. 1979*
Accounts on hand at beginning	15344	12454	9647	7273
Accounts received	4664	27900	5264	27598
Total Accounts to be processed	20008	40354	14911	34871
Less: Files cancelled	34	167	25	152
Accounts processed	4744	24957	5143	24976
Balance	15230	15230	9743	9743
In addition to the number of accounts for services completed there were:				
Interim Accounts	370	1911	246	1208
Supplementary Accounts	232	1523	243	1379
Total	602	3434	489	2587

Reviews

	July 1980	*4 Months to July 31/80*	*4 Months to July 31/79*
Reviews on hand	977		
Reviews received in	129	844	529
	1106		
Settlements reviewed in	92	826	302
Settlements awaiting review	1014		
	1106		

Appeals

	June	July	August
Appeals to the Taxing Master received during	–	–	2
Appeals heard by Taxing Master	–	–	–
Appeals pending at the end of the month	5	5	7

COMPUTERIZATION OF THE LEGAL AID TARIFF

At its meeting in April, 1980, the Legal Aid Committee established a Sub-Committee under the Chairmanship of Robert E. Barnes, Q.C., to investigate and make recommendations as to the possibilities of computerizing the payment of solicitors' accounts under the Legal Aid Tariff and to also explore the possibility of having a standardized Statement of Account Form.

The said Sub-Committee, after considering consulting professional assistance outside the government, decided, with the consent of the Attorney General, to seek the assistance of the management section of the Ontario Department of Health and draw on its experience in the processing of tariff bills submitted by members of the various health disciplines.

The senior systems analyst of the Department of Health recommended to the Sub-Committee the use of an independent outside analyst to, in his words, "prepare a definitive statement of what your current problems are and what the objectives are of this study. This should be in terms, like; "to speed up processing", "to reduce costs", "to provide operational controls", etc., but not "to computerize"."

After careful deliberation the said Sub-Committee recommended to the Legal Aid Committee the following:

> That authorization be given by the Legal Aid Committee to prepare a tender for an outside systems analyst not employed in equipment sales to study the Plan's present system of accounts examination and payment on the existing Tariff with a view to recommending methods of decreasing cost and increasing efficiency, and the calling for such tenders, with the proviso, that the lowest or any

tender may not necessarily be accepted and that acceptance of any tender is subject to the approval of the Legal Aid Committee.

The Committee approved the Sub-Committee's recommendation.

REPORT OF THE RESEARCH FACILITY

The Research Director secured approval to proceed with the hiring of two more Research Officers and one more Research Assistant. The staff of the Research Facility is now comprised of the Director of Research, five Research Officers, two Research Assistants, and three clerical staff.

The date of the formal opening of the Research Facility is October 15, 1980. An announcement will be made in the Legal Aid Newsletter for October. It will include a discussion of the services presently being made available to criminal lawyers on legal aid panels throughout the province, and a discussion of the efficiencies of centralized research.

A steady flow of inquiries has been received. Members of the Bar using the Research Facility have indicated through correspondence that they are pleased with its service.

NOVEMBER LEGAL AID COMMITTEE MEETING IN LONDON, ONTARIO

The November Legal Aid Committee meeting will be held in London, Ontario, on Friday, November 14th next. The theme of the meeting will be "Legal Aid in the Eighties". The purpose of the meeting is to inform the Legal Aid Committee as to how the Plan is operating in the following legal aid areas: Essex, Kent, Lambton, Elgin, Brant, Bruce, Grey, Huron, Middlesex, Norfolk, Oxford, Perth, Wellington and Waterloo. It is anticipated that the Legal Aid Committee will determine any problems in these areas.

The Committee will meet with interested members of the public and the news media in the morning and in the afternoon with members of the local Bar, the Judiciary, the Deans of the Law Faculties, senior personnel in clinics, presidents of the local law associations and social service representatives. Local Area Directors will be in attendance, together with the Chairmen of the Local Legal Aid Committees. Senior administrative staff will discuss recent innovations in the Plan, such as the Tariff, Financial Eligibility, the function of the clinics, etc.

A notice of the meeting will be inserted in the Ontario Reports and a notice will also be inserted in the local newspapers advising the public of the meeting. The Provincial Director has forwarded invitations to all other interested parties.

LEGAL AID COMMITTEE APPOINTMENT

Mr. Brad Nixon, the Student Representative, Osgoode Hall Law School, York University, resigned in August, 1980. The Executive of the Student Legal Aid Society of Ontario unanimously recommended the appointment of Ms. Joanne Brassard, Faculty of Law, Queen's University, to replace Mr. Nixon as the Student Representative on the Legal Aid Committee.

AREA COMMITTEES

(a) APPOINTMENTS

District of Cochrane

Jean Francois Aube, Solicitor
Susan T. McGrath, Solicitor

Middlesex County

William Halliday, Esq.

(b) RESIGNATIONS

District of Cochrane

Robert N. Fournier, Solicitor

Middlesex County

Ms. Stephanie Goble

Niagara North

Reverend Peter B. Moore

THE REPORT WAS ADOPTED

. . . .

PROFESSIONAL CONDUCT COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 9th October, 1980.

The following members were present: Messrs. Ground (Chairman), Doran (Vice-Chairman), Lamont, Lerner, Strauss, Arthurs, Genest, Fennell and Mrs. Sutherland.

REPORT TO THE PROFESSIONAL ORGANIZATIONS COMMITTEE OF THE LAW SOCIETY OF UPPER CANADA

The Committee met on June 12th, 1980 to consider the Report of the Professional Organizations Committee and a report was prepared as a result of that meeting.

The Committee discussed its report and made a few changes. The Committee's report was before Convocation for its information.

MEMBER'S PROPOSAL TO ADVERTISE CORPORATE LAW SERVICES TO BE MADE AVAILABLE BY HIS FIRM TO SMALLER FIRMS

A lawyer asked the Committee if it would be proper for his office to advertise the availability of corporate law services his firm could provide to smaller law firms.

It was the opinion of the Committee that in reality this proposal would be a method whereby the lawyer's firm would be able to solicit legal business, which is not permitted by the Rules.

PARAGRAPH 4 OF THE COMMENTARY UNDER RULE 14 DEALING WITH DISCRIMINATION

The Committee's attention was drawn to the fact that this paragraph was not in conformity with Subsection 1 of Section 4 of The Ontario Human Rights Code which is set out below:

"4. – (1) No person shall,

(a) refuse to refer or to recruit any person for employment;

(b) dismiss or refuse to employ or to continue to employ any person;

(c) refuse to train, promote or transfer an employee;

(d) subject an employee to probation or apprenticeship or enlarge a period of probation or apprenticeship;

(e) establish or maintain any employment classification or category that by its description or operation excludes any person from employment or continued employment;

(f) maintain separate lines of progression for advancement in employment or separate seniority lists where the maintenance will adversely affect any employee; or

(g) discriminate against any employee with regard to any term or condition of employment,

because of race, creed, colour, age, sex, marital status, nationality, ancestry, or place of origin of such person or employee."

The Committee recommended to Convocation that paragraph 4 be amended to include a prohibition against discrimination based on marital status.

DISCLOSURE BY MEMBER OF DOCUMENTS DESIGNATED "CONFIDENTIAL – FOR PROFESSIONAL USE ONLY"

In the processing of a recent complaint against a lawyer, a client questioned the fact that he had not seen a psychiatric report which had been prepared for his counsel in the defence of a charge under the Criminal Code. The lawyer complained about sent a copy of the psychiatric report to the Law Society. It was noted that the report was marked "confidential – for professional use only". The lawyer on the Society's staff decided in the circumstances that the report should not be sent to the complainant in view of this designation. The report was returned forthwith to the lawyer who had sent it to the Law Society.

The question which was considered by the Committee is whether a lawyer should show to his client a report which has been prepared on the basis of a designation such as "confidential – for professional use only".

The Committee recommended to Convocation that as a general proposition a lawyer who receives a report under these circumstances does so on the basis of a trust and must therefore not reveal its contents to his client.

It was moved in Convocation, seconded and *carried* that the above recommendation be returned to the Committee for further consideration including consultation with representatives of the medical profession and the Criminal Lawyers Association.

THE REPORT AS AMENDED WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE–
Mr. Farquharson

Mr. G. H. T. Farquharson, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 9th October, 1980.

The following members were present: Messrs. Farquharson (Chairman), Lerner, Shaffer, Shibley, Strauss, Mrs. Tait and Mr. Yachetti; and Messrs. G. W. Howell and D. V. Burnett.

GREAT LIBRARY

BOOK LIST

A list of books recently purchased was submitted for approval. A decision respecting *Williams on Wills* was deferred to the next meeting.

Approved

REQUEST FOR BOOKS

The Secretary reported that a request had been received by the Chief Librarian from his Honour Judge R. E. Salhany requesting that consideration be given to supplying law books to the University of Damascus, Syrian Arab Republic. The Committee recommended that the request be granted and that copies of the Statutes of Ontario and the Statutes of Canada from 1900–1970 which are not required by the Library as back-up copies be sent to the University of Damascus with the cost of packaging and mailing to be paid by the University.

COUNTY AND DISTRICT LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below sent in their annual returns for the year 1979. The amounts which each should receive under the Regulation in 1980 and those they received in 1979 are as follows:

	1979	*1980*
Hastings	$2,000	$1,880
Lambton	$2,000	$1,845

Approved, subject to the approval of the Finance Committee.

SUMMARY OF OUTSTANDING BALANCES

The Acting Chief Librarian commented upon the September 30th, 1980 summary of outstanding balances for County and District Law Libraries.

Noted

YORK NORTH LAW ASSOCIATION

The Secretary received a letter from Mervin Ellis, Q.C., Chairman of the Advocates' Society Library Committee, requesting the consent of the Law Society to the transfer of books from the Law Society's Middleton law library collection to York North Law Association.

The Committee recommended that the Acting Chief Librarian should report to the Committee as to what books are included in the proposed gift and what books are needed by the Association.

REPORTING

ONTARIO REPORTS

The Secretary received an opinion of counsel for the Society and a draft contract to be submitted to companies that had indicated a desire to submit a tender to publish the Ontario Reports. The Committee recommended that the tender forms and contract be sent to those companies together with a supplementary letter asking that a list of the persons on the editorial board of the tenderer accompany the tender.

Mr. Shibley declared his interest, took no part in the discussion, and refrained from voting.

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. Chilcott

Mr. W. D. Chilcott, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 9th October, 1980.

The following members were present: Messrs. Chilcott (Chairman), Furlong, McWilliams, Shaffer, Strauss and White.

1. Two accounts were approved.

2. The Committee considered an opinion of counsel for the Society concerning agents appearing on Assessment Appeals before the County Court and the Ontario Municipal Board. The Secretary was instructed to refer this matter to an investigator.

3. A complainant advised that a law clerk employed by a legal firm was holding himself out as a lawyer. The Secretary was instructed to write to the law firm responsible for the law clerk and ask for an explanation of his activities. The matter should then be referred to the Discipline Committee.

4. A complainant reported that an individual was acting as a solicitor on an appeal from the Committee of Adjustment to the Ontario Municipal Board. The Secretary was instructed to refer this matter to an investigator and to counsel for an opinion and if there is sufficient evidence of unauthorized practice a prosecution should be commenced.

5. The Secretary reported that complaints had been received from solicitors that a company was sending notices to corporations indicating that for a fee of $200 a questionnaire

could be filed which would prevent a statutory dissolution of the corporation. The Secretary was instructed to write to the solicitors and indicate that in the opinion of the Committee this was not unauthorized practice.

6. A complaint was received from the President of the Brant County Law Association concerning a group that was listed under lawyers in the yellow pages of the Brantford telephone directory. The Secretary was instructed to write Tele Direct objecting to the listing of non-lawyers among lawyers in the yellow pages and to write to the Legal Aid Committee to ascertain if the group is a clinic funded by Legal Aid.

7. A letter was received from a solictor who complained that a law clerk employed by a firm of solicitors was practising law. The solicitor also complained of a lack of supervision of the law clerk by the law firm. The Secretary was instructed to refer this matter to the Discipline Committee. The Secretary was also instructed to refer this matter to counsel for an opinion and if there is sufficient evidence, to commence a prosecution. The Secretary was instructed to refer the part of the solicitor's complaint concerning sharing office space to the Professional Conduct Committee.

8. The Secretary received an inquiry concerning two groups that were processing estates of deceased persons. The Secretary was instructed to send the material to the Legal Aid Committee and indicate that it is the opinion of the Committee that the activity complained of is unauthorized practice.

9. Letters were received from complainants indicating that an individual was holding himself out to be a barrister and solicitor. The Secretary was instructed to refer this matter to the Metropolitan Toronto Police Fraud Squad.

10. An individual who wished to advise business firms of Federal, Provincial and State regulations that affect their business enquired respecting the Society's views regarding such an advisory service. The Secretary was instructed to write to the individual and suggest that he ask his own solictor for a legal opinion.

11. A solicitor wrote that an individual was acting on a conveyancing matter. The Secretary was instructed to reply that the matter complained of did not constitute sufficient evidence of unauthorized practice since it was based on one transaction.

12. A correspondent complained that an advertisement in a newspaper by the Ontario Motor League for an agent to appear on Highway Traffic Act matters might involve unauthorized practice. The Secretary was instructed to write to the Ontario Motor League and indicate the concern of the Society that members of the Motor League understand that the employee is not a solicitor. The Secretary was also instructed to write to the complainant and indicate that an agent can appear on Highway Traffic Act matters.

13. A solicitor complained that a law clerk in the employ of a firm was acting as a barrister and holding himself out to be a barrister and solicitor. The Secretary was instructed to report the matter to the Registrar of the Supreme Court of Ontario and to refer the matter to an investigator for further evidence, and then to retain counsel to commence a prosecution if in his opinion there is sufficient evidence. The Secretary was also instructed to refer the solicitor employing the law clerk to the Discipline Committee.

14. The Secretary reported that there was a Task Force investigating the provisions of the Immigration Act concerning immigration consultants. The Committee recommended that Convocation appoint a special committee to study this matter and to make submissions to the Task Force. The Committee also recommended that the Secretary of the Society write to the Task Force and indicate that the Law Society wishes to make submissions to it and that a committee will be appointed for that purpose.

THE REPORT WAS ADOPTED

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PUBLIC RELATIONS COMMITTEE—Mr. Goodman

Mr. E. A. Goodman, Chairman, presented the Report of the Public Relations Committee of its meeting on Thursday, 9th October, 1980.

The following members were present: Messrs. Goodman

(Chairman), Bowlby, Outerbridge, White and Yachetti.

SURVEY OF THE PUBLIC

At its meeting in May, the Committee gave the Chairman authority to have a public survey drafted and circulated during the summer by Decima Research Ltd. The results of the survey were distributed to the members of the Committee and Mr. Gregg of Decima Research Ltd. attended the meeting to discuss the results.

The Committee recommended that the results of the survey be fully discussed at a Special Convocation in December. The Committee intends to prepare a list of possible action the Society might take to form the basis of the discussion.

QUESTIONNAIRE FOR THE PROFESSION

The Treasurer has asked the Committee to circulate a questionnaire among the profession to obtain information respecting such matters as changes in earning and practising conditions, attitudes toward institutional advertising and advertising by individual lawyers, the number of lawyers entering the profession and other related matters. A draft questionnaire was before the Committee.

Approved

THE REPORT WAS ADOPTED

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CONVOCATION ADJOURNED FOR LUNCHEON AT 12:50 P.M.

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The Treasurer and Benchers had as their guests for luncheon The Honourable Mr. Justice A. W. Maloney, The Honourable Mr. Justice W. D. Griffiths and The Honourable Mr. Justice F. W. Callaghan, all of The High Court of Justice of The Supreme Court of Ontario, and Mr. A. G. Campbell, Q.C., Deputy Attorney General for Ontario, for Policy Planning and Intergovernmental Affairs. The Honourable Roy R. McMurtry, Attorney General for Ontario, was also present.

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CONVOCATION RESUMED AT 3:45 P.M.

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PRESENT:

The Treasurer and Messrs. Bragagnolo, Brulé, Farquharson, Ferrier, Furlong, Lamont, Mrs. Legge, Messrs. Noble, Ogilvie, Mesdames Sutherland and Tait, Messrs. Thom and Wardlaw.

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LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. L. K. Ferrier presented the Report of the Legal Education Committee of its meeting on Thursday, 9th October, 1980.

The following members were present: Mr. J. J. Carthy, Chairman, Messrs. Arthurs, Barr, Catzman, Ferrier, Ground, Lamont, Lerner, Ruby, Scace, Shibley, Mrs. R. M. Tait and Mr. Wardlaw.

FACULTY APPOINTMENTS –
Toronto, Ottawa and London as indicated

It was recommended that the following appointments be made for the teaching term which commenced September 2nd, 1980:

(a) **Civil Procedure II Section**

To continue as Head of Section, J. W. O'Brien, Q.C.

Group Instructors (Osgoode Hall): G. D. E. Adair, F. R. Bowman, B. J. E. Brock, B. D. Brown, D. J. Brown, H. J. B. A. Dickie, D. G. Duke, W. G. Dutton, Norman Dyson, Mervin Ellis, G. W. Glass, M. J. Haffey, K. E. Howie, P. R. Jewell, C. A. Keith, Ted Kerzner, R. C. Lee, T. J. Lockwood, J. L. MacFarland, C. M. MacIntyre, G. A. MacPherson, L. H. Mandel, R. C. McLean, Allan O'Donnell, Harvey Poss, T. H. Rachlin, V. I. Rogers,

E. A. Sabol, J. R. Wesley, W. S. Wigle, M. H. Wunder.

Group Instructors (Ottawa): J. R. M. Gautreau, J. H. Haydon, G. D. Hunter, R. J. Keale, H. B. Starr, W. R. Hunter.

To continue as Senior Instructor (London), J. R. Caskey, Q.C.

Group Instructors (London): G. L. Bladon, V. J. Calzonetti, W. L. Dewar, W. A. Jenkins, Armand Morrow, D. H. Proudfoot.

Standby Instructors (Osgoode Hall): D. S. Forbes, B. L. Gluckstein, L. G. Harlock, R. W. Heather, J. S. Lyons, B. B. Papazian.

Standby Instructors (Ottawa): David Hughes, R. M. Nelson.

Standby Instructors (London): B. A. Foster, R. E. Hutton, D. J. Murphy.

(b) Family Law Section

To continue as Head of Section, J. C. MacDonald, Q.C.

Group Instructors (Osgoode Hall): J. M. Banfill, G. W. Brigden, D. J. Brown, T. W. Caskie, M. T. Chilco, Noel Nolasco da Silva, Rodica David, L. S. Dranoff, P. M. Epstein, F. G. Felkai, J. C. Goldberg, J. G. Goodwin, S. M. Grant, G. P. Johnstone, T. J. Lockwood, P. F. Marchildon, R. E. Mesbur, R. J. Otter, Gerald Sadvari, R. G. Schipper, G. K. P. Selzer, S. B. Smart, Philip Spencer, D. M. Starzynski, H. D. Stewart, D. R. Timms, K. M. Weiler, Patricia Wallace, L. K. Ferrier, E. M. Macdonald, Jennifer Leddy.

To continue as Senior Instructor (Ottawa), Allyne F. Thomson.

Group Instructors (Ottawa): Lloyd Brennan, Leonard Levencrown, L. S. Max, M. F. Monaghan, M. J. Binks Rice, W. L. Riley, J. D. Snipper.

To continue as Senior Instructor (London), Robert M. McClean.

Group Instructors (London): J. J. Comartin, J. J. Foreman, B. T. Granger, T. W. Hainsworth, Alfred Mamo, J. S. M. Mitchell.

Standby Instructors (Osgoode Hall): Raymond Stancer, J. H. Wilson, R. D. Preston, A. B. Doran, Igor Ellyn, G. W. Glass, S. W. Ireland, Lynn King, M. C. Kronby, Benjamin Laker, M. D. Lipton, D. H. Lissaman, Elizabeth Sachs, P. D. Slan.

Standby Instructors (Ottawa): T. C. Barber, P. J. Lafrange.

Standby Instructors (London): D. R. Aston, G. D. Cudmore, Gregory Ste. Marie.

(c) Law Office Administration Section

To continue as Head of Section, A. A. Strauss, Q.C.

Group Instructors (Osgoode Hall): Serge Anissimoff, J. M. Daniels, P. M. Feldman, L. M. I. McCaw, A. I. Wexler, J. B. Keller, L. A. Welwood, S. H. Troister, F. P. Oster, Julian Romanko, R. D. Walker, R. L. Butters, K. N. Karp.

To continue as Senior Instructor (London), Samuel Lerner, Q.C.

Group Instructors (London): W. L. Hewson, G. H. Kleiman, E. C. Somerville, L. R. Waller, J. A. Whaley, E. D. Winder.

Standby Instructors (London): W. B. Hagarty, J. D. Wright.

(d) Income Tax Section

To continue as Head of Section, A. R. A. Scace, Q.C.

Group Instructors (Osgoode Hall): T. B. Akin, D. R. Allgood, G. R. Baker, W. G. Beach, W. J. Bies, F. E. Cappell, B. R. Carr, G. J. Corn, L. G. Dollinger, R. G. Fitzsimmons, N. H. Harris, L. R. Hepburn, G. R. Hiseler, G. L. Jacobs, I. S. MacGregor, M. A. Mogan, B. M. Murray, B. H. Naiberg, J. M. Parks, S. R. Richardson, M. J. Rochwerg, S. S. Ruby, L. H. Saltman, P. L. Schnier, W. S. R. Seyffert, J. M. Solursh, Solomon Spiro, T. A. Sweeney, R. B. Thomas, J. M. Woods, A. M. Zener.

To continue as Senior Instructor (Ottawa), D. C. Gavsie.

Group Instructors (Ottawa): Sidney Goldstein, Wilfrid Lefebvre, Ronald Prehogan, Lloyd Raphael, G. J. Rip, Andrew Trotta, Ronald Wilson.

To continue as Senior Instructor (London), Stephen N. Adams.

Group Instructors (London): J. Murray Kierans, P. R. Noble, P. H. E. Schwartz, A. E. Wheable, Phillip Bowman, C.A., R. H. L. Innes, C.A.

Standby Instructors (Osgoode Hall): J. C. Avery, Jack Bernstein, G. J. R. Dyer, Maxwell Gotlieb, S. C. Kerr, J. L. Lewy, A. J. R. Mastin, E. G. Nazzer, K. G. Russell, J. G. Vesely.

Standby Instructors (Ottawa): Penny Bonner, Bruck Easton.

Standby Instructors (London): D. L. McLennan, Ross Batson, C.A.

Approved

REPORT OF THE SUB–COMMITTEE ON THE PREFERRED AREAS OF PRACTICE

On July 17th, 1980 Convocation approved in principle the continuation of the preferred areas of practice plan during the initial pilot period of two years commencing January 1st, 1980 and directed that details of the draft report, including the proposed credit system, should stand over for further study. The further report of the Sub-Committee dated October 3rd, 1980 was before the Committee.

The Committee recommended that the following report of the Sub-Committee on the Preferred Areas of Practice, as revised in Committee, be approved:

REPORT OF THE SUB–COMMITTEE ON THE PREFERRED AREAS OF PRACTICE AS REVISED BY THE LEGAL EDUCATION COMMITTEE ON THURSDAY, OCTOBER 9TH, 1980

On July 17th, 1980 Convocation approved in principle the continuation of the preferred areas of practice plan during the initial pilot period of two years commencing January 1st, 1980 and directed that the plan be monitored during that period and a full review of the plan be made thereafter. Your Sub-Committee was asked to report further on details of the proposed credit system.

The Sub-Committee is pleased to report as follows:

Recommendations

Many letters have been received from members suggesting that the names of the preferred areas be amended and that many more headings be added to the list. If all of these suggestions were adopted, the list of preferred area headings would be too long to be workable. Your Committee has reviewed the list of preferred areas and is of the view that air and marine law, and immigration law ought to be removed as main headings for the preferred areas. This would reduce the list of preferred areas to eleven in number. Your Committee further recommends some minor wording changes so that the new list of preferred areas should read as follows:

1. administrative law,
2. civil litigation,
3. corporate and commercial,
4. criminal law,
5. family law,
6. general practice,
7. labour relations,
8. patents, trademarks and copyrights,
9. real estate,
10. taxation,
11. estates, wills and trusts.

Your Sub-Committee has had representations from members that many other areas should be considered, including immigration, transportation, municipal, environmental, energy, development and planning, civil rights, constitutional, communications, motor vehicle, debtor's and creditor's rights, medical, insurance, personal injury, consumer protection, securities, entertainment, computers, intellectual property, bankruptcy, construction, industrial, education, public, condominium development, leasing, landlord and tenant, mortgages, mining, mechanic's liens, etc. Many of these subject areas might well form a large portion of a solicitor's practice, but it would be completely unworkable to have each of them as a main heading for the purpose of designation. It is your Committee's view that solictiors should be permitted to designate only from the list of preferred areas, but that upon registration of their designations, they should, subject to what follows, be able to advertise whatever descriptive terms or areas of law they prefer as their areas of practice. Thus, a solicitor who has designated administrative law as a preferred area may show on his letterhead and in advertising, environmental law, energy law, municipal law, etc. Set out below is a list of suggestions for possible descriptive terms for each preferred area. However, to permit flexibility and to permit solicitors to be more precise about the exact kind of law that they prefer to practice, solicitors should be permitted to use other descriptive terms as they see fit provided that the description falls within one of the eleven main areas and provided always that the right to use any descriptive term is subject to the following conditions:

(i) The use of the terms "loans" and/or "mortgages" is prohibited.

(ii) The Committee reserves the right to prohibit or to require discontinuance of the use of any descriptive term which, in its opinion, does not serve the interests of the public or the interests of the profession.

(iii) A solicitor may make application to the Committee to obtain its view concerning the use of any descriptive term as to which the solictior is in doubt.

The following list is intended to be descriptive and not definitive:

	Preferred Area of Practice	*Sample Descriptive Terms For Advertising Purposes*
1.	administrative law	immigration, air, marine, transportation, municipal, environmental, energy, development, planning, constitutional, communications.
2.	civil litigation	air, marine, debtor's and creditor's rights, medical, insurance, personal injury.
3.	corporate and commercial	debtor's and creditor's rights, insurance, personal property, consumer protection, securities, corporate, commercial, communications, entertainment, computers, bankruptcy.
4.	criminal	
5.	family	
6.	general practice	
7.	labour relations	industrial, construction, labour management relations.
8.	patents, trademarks and copyrights	
9.	real estate	development, condominiums, leases, landlord and tenant, commercial real estate, conveyancing, residential, conveyancing, commercial, conveyancing.

10.	taxation	personal taxation, corporate taxation, customs excise and sales tax.
11.	estates, will and trusts	estate planning, wills, personal trusts, administration of estates and trusts, taxation of estates and trusts.

The foregoing concept will make it much easier for members of the public to identify those lawyers practising in the area of law in which they need assistance.

As noted above, Convocation has already approved in principle a programme of requiring solicitors to maintain the right to designate a preferred area of practice by achieving a certain number of credits within a given time period. What follows in an outline containing the essentials of the credit programme which your Committee recommends.

Preferred Areas of Practice Credit Programme

Accrual Periods

Each accrual period should be two years in length, the first of which commenced on January 1st, 1980. At the end of each period, a solicitor will be required to file with the Society a certificate on a prescribed form certifying that he or she has obtained the credits required to entitle him or her to continue a designation in a preferred area or areas. The certificate will be in a form which will require the solicitor to show in detail how the credits have been obtained.

Minimum Number of Credits to be Obtained in Each Accrual Period in Each Designated Preferred Area of Practice

Three hundred credits must be obtained in each accrual period for each designated preferred area of practice, with a proportionate abatement for members who register a designation with the Society after the commencement of an accrual period.

Method of Obtaining Credits

Members may obtain credits in the following ways:

(a) Attendance at an approved continuing legal education programme or meeting or at an approved post-graduate programme in law in a preferred area of practice. Attendance includes utilization of continuing legal education video cassettes and cassette tapes approved by the Law Society in group participation or on an individual basis. Attendance also includes participating in an approved continuing legal education programme or meeting as a speaker, panellist or seminar leader – 10 credits for each hour of actual attendance plus an additional 10 credits for each hour of actual participation as a speaker, panellist or seminar leader.

(b) Teaching in a preferred area of practice in the Bar Admission

Course or in an LL.B. programme or in a post-graduate programme in law in a university law school in Ontario – 20 credits for each hour of teaching in a preferred area of practice.

(c) Practice experience

50 credits for each year of full-time practice or for the equivalent of each year of full-time practice in a designated preferred area of practice to a maximum of 200 credits in an accrual period, provided that a member who has designated general practice as a preferred area shall be limited to a maximum of 150 credits in an accrual period under this heading. The equivalent of the number of years of full-time practice in a designated preferred area is to be calculated by multiplying the number of years during which the member has been engaged in the full-time practice of law, by the percentage of time which the member has devoted to that preferred area. For example, a solicitor who has been in practice for seven years and who has devoted twenty percent of his practice to criminal law would have the equivalent of 1.4 years experience in criminal law and would therefore be entitled to 1.4 times 50 equals 70 credits.

provided that the Sub-Committee may in its discretion upon individual application grant a member additional credits.

General

It will be the responsibility of the solicitor to keep a record of all credits he or she has earned and the manner in which the same were obtained. If a certificate is received at the end of an accrual period which indicates that the required number of credits has not been obtained, the solicitor will be advised that he or she is no longer entitled to the designation and must cease all advertising in connection therewith.

BAR ADMISSIONS COURSE TEACHING TERM

The Chairman requested the Committee to consider and evaluate the role of the Committee with respect to the course content and teaching programmes and methods of the Bar Admission Course, and to make such recommendations, if any, as the Committee may be advised.

The Committee recommended that this matter be referred to the Sub-Committee to Review the Bar Admission Course.

SPECIAL PETITIONS

The Committee considered eight petitions. Six petitioners sought permission to defer entry into the teaching term of the Bar Admission Course. One petitioner, a foreign service officer in the Department of External Affairs who is articling with a lawyer of the Department's Legal Bureau, stated that the Department was unwilling to give him leave of absence and had given him a two-year posting abroad. He requested a two-year deferral to September 1983. The Committee recommended that he be granted a one-year deferral and that he be advised to apply for a further deferral if his circumstances so require and warned that successive requests for deferrals may not be granted. Four petitioners sought permission to defer entry into the teaching term of the Course for a one-year period for financial reasons, for a sabbatical year in Israel, to article in Alberta and for health reasons respectively. The Committee approved these petitions. One petitioner who had failed the teaching term of the 21st Bar Admission Course requested permission to defer his right to repeat the teaching term because of financial and personal constraints. The Committee recommended that his right to repeat the teaching term be deferred for one year.

One petitioner, who had submitted a petition to the Committee in June and had been granted leave to enter the Bar Admission Course but whose petition had been otherwise denied, submitted a second petition to the Committee and requested that the matter be reconsidered on the basis of the facts and circumstances set out in both petitions. This petitioner received his LL.B. degree in 1976, spent two years at Harvard to attain the M.B.A. degree, then obtained admission to the Bar of New York State and became associated with a New York City law firm engaging in corporate, commercial and securities practice. In his first petition he requested (a) that the five year limitation under Regulation 26(4a) be waived; (b) that service under articles of clerkship under Regulation 26(4)(a) be waived; and (c) that either (i) the teaching term of the Bar Admission Course be waived and the petitioner called to the Bar upon passing prescribed examinations on the statutes of Ontario and procedure in Ontario, or (ii) the petitioner be admitted into the teaching term of the Bar Admission Course in September 1981 and upon successful completion of such part or parts as Convocation deems necessary he be called to the Bar. In his second petition he requested (a) that he be allowed to commence the teaching term in September 1981; (b) that the articling requirement be waived in whole or in part, or modified and shortened to enable him to serve under articles for a period in the summer of 1981 and upon completion of the teaching term in 1981-82 he be allowed to continue service under articles in order to aggregate sufficient service prior to and after the teaching term to total the period of time Convocation deems necessary and that immediately thereafter he be called to the Bar; and (c) that the five-year limitation under Regulation 26(4a) be extended in accordance with the foregoing. The Committee gave the matter its further consideration and recommended that the petitioner be allowed to serve under articles for a period in the summer of 1981, to enrol in the teaching term in 1981-82 and upon successful completion thereof to continue in service under articles for such period of time as may be required to aggregate with the period served prior to the teaching term a total period of twelve months, and that the petition be otherwise denied.

Lastly the Committee gave consideration to a petition from a fourth year student in the national law programme at McGill University who expects to complete his studies by May 1981. He entered law school as a CEGEP graduate and lacks the one year of non-legal studies at an approved university required for admission to the Bar Admission Course. Upon graduation from McGill he wishes to enter the Bar Admission Course and requests dispensation from the requirement of an additional year of non-legal studies or, alternatively, to make up the additional year of non-legal studies, either by taking winter and summer semester courses to a total credit weight equivalent to that of a conventional one-year period of undergraduate studies, or by taking the first year of a Master's degree programme in business administration, or by taking a year at the undergraduate level in a Bachelor's degree programme on a full-time basis. The Committee recommended that the petitioner be permitted to complete the required additional year of non-legal studies at an approved university as a full-time student either in a Master's degree programme in business administration or at the undergraduate level in a Bachelor's degree programme, and that the petition be otherwise denied.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Education for the period from 1st July, 1979 to 30th June, 1980 and for the period from 1st July to 30th September, 1980; and reviewed a statement setting out the Continuing Education programmes held in September 1980 and the publications report for the month of September 1980.

THE REPORT WAS ADOPTED

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PRACTICE AND INSURANCE COMMITTEE—Mr. Brulé

Mr. J. A. Brulé, Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 9th October, 1980.

The following members were present: Messrs. Brulé, (Chairman), Barr, Chadwick, Doran and Wardlaw. Messrs. Hargraft, Marshall and Doner were present at the Chairman's request.

RISK MANAGEMENT PROGRAMME

A report from Peter Norman & Associates Ltd. which was on the September agenda was again before the Committee.

Noted, the matter of estimated expenses to be referred to the Chairman and the Secretary.

ADJUSTERS' FEES

Lists of fees paid in September, 1980 to adjusters under the old Fund, the 1977 Fund, the 1978 Fund, the 1979 Fund and the 1980 Fund were before the Committee.

Noted

COUNSEL FEES

Lists of fees paid to Counsel during September, 1980, were before the Committee.

Noted

MONTHLY REPORT

Mr. Hargraft's monthly report was before the Committee.

The Committee recommended that where an individual deductible has been paid out of the Society's fund and the member has failed for 90 days or more to repay the Society's fund, and no arrangements acceptable to the Society have been made, the matter be referred to the Discipline Committee, and that this policy be communicated to those likely to be affected by it.

The Committee also recommended that amendment be sought to Section 36 of The Law Society Act to enlarge the ambit of the section to cover any debt owed by a member to the Society.

PRACTICE ADVISORY SERVICE

A report from the Director was before the Committee.

Noted

RENEWAL OF COVERAGE AND LEVY FOR 1981

The Chairman reported on the present position.

The Committee instructed the Claims Manager to pay outstanding accounts from counsel retained by the Adjuster to act in the Society's interest in connection with claims.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mrs. L. L. Legge presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 9th October, 1980.

The following members were present: Messrs. Pepper (Chairman), Cass, Carthy and Mrs. Legge.

APPLICATIONS

The Committee considered three applications for grants from dependants of an incapacitated solicitor, a suspended member and a disbarred member respectively and recommended that a grant be made in each case.

The Committee also gave consideration to an application for a grant from a member who has been without steady employment since 1979 and to whom a grant was made in March 1980. The Committee recommended that a further grant be made to the applicant to be used in accordance with the terms of the Bequest.

THE REPORT WAS ADOPTED

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CONVOCATION ROSE AT 4:00 P.M.

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Confirmed in Convocation 16th December, 1980.

J. D. BOWLBY
Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 21st November, 1980
10:00 a.m.

PRESENT:

The Treasurer (Mr. J. D. Bowlby) and Messrs. Affleck, Arthurs, Barr, Bragagnolo, Brulé, Bynoe, Carter, Carthy, Cass, Catzman, Chadwick, Chilcott, Doran, Farquharson, Ferrier, Finlayson, Furlong, Ground, Guthrie, Henderson, Humphrey, Lamont, Mrs. Legge, Messrs. Lerner, Maloney, O'Brien, Ogilvie, Outerbridge, Pepper, Ruby, Shaffer, Mrs. Tait, Messrs. Thom, Tobias, Wardlaw, Willoughby and Yachetti.

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C. F. H. CARSON, Q.C. BENCHER EX OFFICIO

The Treasurer noted with regret the death of Cyril Frederick Harshaw Carson of Toronto on 22nd October, 1980. He was a former Treasurer of the Society and one of Canada's leading counsel. He was called to the Bar on 24th November, 1921, after graduating from Osgoode Hall Law School as Gold Medallist. Mr. Carson was first elected a Bencher in 1936 and subsequently in 1941, 1946 and 1951. He served as Treasurer from 1950 to 1958 during a period of rapid development particularly in the field of legal education.

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APPOINTMENT OF SPECIAL COMMITTEE ON IMMIGRATION

The Treasurer announced that pursuant to the recommendation of the Unauthorized Practice Committee, adopted by Convocation on 17th October, 1980, he had appointed a Special Committee on the Immigration Act consisting of Mr. *Chilcott* as Chairman with Messrs. *Guthrie, Ruby,* Mrs. *Sutherland* and Mr. *Tobias.* The Committee will consider the provisions of the Act with respect to immigration consultants and make submissions to the Federal Government

Task Force.

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APPOINTMENTS TO STANDING COMMITTEES

The Treasurer announced that Mr. *Rino C. Bragagnolo* had been appointed to the following Standing Committees: Libraries and Reporting; Public Relations; Legislation and Rules.

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MINUTES OF CONVOCATION

The Minutes of Convocation of 19th September, 1980 were confirmed.

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ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 13th November, 1980.

The following members were present: Mrs. L. L. Legge (Chairman), Messrs. Cass, Catzman, Ferrier, Ground, Lamont, Pepper, Scace and Mrs. Sutherland.

OCCASIONAL APPEARANCE

Luc Marchildon, of the Province of Quebec, applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Regina vs. Thibault*. Mr. Marchildon complied with the requirements of Section 10 and presented a Certificate of Good Standing. He asked to receive his Call to the Bar of Ontario at the November Convocation.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

The following candidate, having successfully completed the Twenty-first Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for Call to the Bar and to be granted a Certificate of Fitness:

Sheldon Freedman

Transfer from another Province

The following candidate, having passed the comprehensive examination on the common law and the examination set by the Examining Board, filed the necessary documents and paid the required fee of $511, applied for Call to the Bar and to be granted a Certificate of Fitness:

Joel Samuel Schachter	Province of Quebec

Call to the Bar for an Occasional Appearance

At its meeting on 9th October, 1980, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearances in Ontario of lawyers from other Provinces", and that upon giving the necessary undertakings, he be called to the Bar and admitted as a solicitor. Convocation on 17th October, 1980, approved the Committee's recommendation. Mr. McCaffrey was unable to attend for Call to the Bar in October and asked to receive his Call to the Bar of Ontario at the November Convocation.

D'Arcy Charles Henry McCaffrey	Province of Manitoba

At its meeting on 13th November, 1980, the Admissions Committee recommended that the following be allowed to proceed under Regulation 10 of the Regulation concerning "Occasional Appearances in Ontario of lawyers from other Provinces", and upon giving the necessary undertakings, he be called to the bar and admitted as a solicitor:

Luc Marchildon	Province of Quebec

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further 323 candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary documents, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the 23rd Bar

Admission Course.

Approved

DIRECT TRANSFER

The Committee considered one application to transfer to practice in Ontario by a lawyer from Alberta who sought to proceed under Regulation 4(1). The application was approved.

COMMON LAW EXAMINATIONS

Seven candidates were approved by the Committee to proceed under Regulation 4(2). All seven sat the required examination at Osgoode Hall. The candidates were identified only by number and the examiners' report was before the Committee.

Five candidates passed and two failed.

Approved

STATUTES AND PROCEDURE EXAMINATION

A candidate who was approved to transfer to practise in Ontario under Regulation 4(2) and wrote the comprehensive examination on the common law in September 1980 and passed requested permission to extend his eligibility period to sit for the transfer examination to May 1981. He has several important cases in November, and feels that he cannot prepare and write the examination and spend the very substantial time which will be required in respect of the cases. His letter was before the Committee.

Approved

REPORT OF THE SUB–COMMITTEE TO CONSIDER REGULATION 4

Implementation of the Recommendations respecting the Comprehensive Examination on Common Law

The report of the Sub-Committee of the Admissions Committee which considered Regulation 4 was adopted by Convocation on 21st April, 1978. All of the recommendations respecting the examinations of the Statutes and Procedure in Ontario have been implemented. The recommendations regarding the Comprehensive Examination on the Common Law require further consideration and direction from the Society. A letter dated 9th January, 1979, from Professor Ralph E. Scane to Mr. Collins-Williams was discussed by the Committee at the meeting on 11th January, 1979, and the Director was authorized to settle with Professor Scane the fees to be paid in respect of setting and marking the examination, and the preparation of syllabi of subjects to be included in the examinations, and also to settle the subject matter to be covered by the examinations.

These matters are covered in part in two further letters received from Professor Scane dated 5th July, 1979, and 22nd August, 1980, respectively, which were before the Committee. With the letter of 22nd August, 1980, Professor Scane submitted syllabi for eight out of twelve of the proposed courses.

The Committee was asked to approve and accept the proposals made by Professor Scane in his letters of 5th July, 1979, and 22nd August, 1980, and in particular, that the new examinations be restricted to the purposes and requirements of the Comprehensive Examination on the Common Law of Ontario under Regulation 4(2) and that such examinations no longer be designated for candidates coming from outside Canada seeking admission to the Bars of jurisdictions in Canada, other than Ontario; that new examinations for the purposes of Regulation 4(2) be in accord with the proposals in Professor Scane's letter of 5th July, 1979; that appropriate representatives of the practising Bar be made available to the authors of the draft syllabi for consultation as to the contents of each syllabus and its final form; to avoid leaving other provinces who have, heretofore, been relying on Ontario for this service, without a substitute mechanism, that the present examination be continued for the time being, and that the matter be discussed with those provinces which continue to use the examination.

The Committee recommended approval of the proposals made, and that a Sub-Committee be appointed to assist in the settling of appropriate syllabi and examinations, the Sub-Committee to consist of Messrs. Pepper (Chairman), Ferrier and Scace.

THE REPORT WAS ADOPTED

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CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Sheldon Freedman
Joel Samuel Schachter
D'Arcy Charles Henry McCaffrey
Luc Marchildon

....

DISCIPLINE COMMITTEE–Mr. Genest

Re: ALAN D. LIBMAN, Toronto

Mr. R. D. Yachetti, Vice-Chairman, placed the matter before Convocation.

The reporter was present and sworn.

Mr. Catzman withdrew from Convocation, took no part in the discussions and did not vote.

The solicitor did not attend nor was he represented by counsel. Mr. George W. Brigden, Q.C., appeared on behalf of the Society.

Convocation had before it the Report of the Discipline Committee, dated 22nd October, 1980, together with an Affidavit of Service, dated 3rd November, 1980, by Brian Ross Fraser, that service had been effected upon the solicitor by registered mail directed to five different addresses at which the solicitor was believed to be known, one of which was the last address shown for the solicitor by the records of the Society.

Mr. Brigden outlined the efforts which had been made to serve the Complaint and the Report upon the solicitor and submitted that proper service had been effected in accordance with the provisions of The Law Society Act.

Convocation was satisfied that proper service had been effected.

Copies of the Report having been distributed to members of the Bench prior to Convocation, the reading of the Report was waived.

The Report found that the solicitor was guilty of professional misconduct. He had induced a client to advance $16,000 by falsely representing the facts of a proposed loan with the result that the client lost money and also had received $5,000 for the purpose of retaining counsel whom he did retain but never paid.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 22nd October, 1980, wherein the solicitor was found guilty of professional misconduct, be accepted.

Convocation was advised that the Recommendation as to Penalty of the Discipline Committee was that the solicitor be disbarred.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

Counsel retired.

. . . .

PRESENT:

Mr. Cooper and Mr. White entered Convocation.

. . . .

GENERAL REPORT

Mr. Yachetti presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 13th November, 1980.

The following members were present: Messrs. Genest (Chairman), Furlong, Ogilvie and Yachetti (Vice-Chairmen), Cass, Catzman, Finlayson and Mrs. Sutherland.

A number of matters were considered and the appropriate instructions were issued in each instance.

THE REPORT WAS RECEIVED

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COMPENSATION FUND SUMMARY

Mr. Noel Ogilvie, Vice-Chairman, presented the Compensation Fund Summary for the period ended 31st October, 1980.

COMPENSATION FUND

For the Period from 1st July, 1980 to 31st October, 1980

(4 months)

TOTAL RECEIPTS	$ 920,171.24
TOTAL DISBURSEMENTS	$ 51,210.49
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 868,960.75
BALANCE OF FUND at beginning of period	$ 1,573,981.71
BALANCE OF FUND at end of period	$ 2,442,942.46
CLAIMS RECEIVED and in the course of being processed at end of period	$10,594,529.20

THE SUMMARY WAS RECEIVED

. . . .

COMPENSATION FUND REPORT

Re: IAN S. McLENNAN

Mr. Ogilvie presented the Report of the Discipline Committee, dated 5th November, 1980, with respect to claims against the Compensation Fund arising out of the practice of Ian S. McLennan.

Ian McLennan was disbarred on 15th December, 1978.

The Discipline Committee composed of Messrs. Lerner (Chairman), Guthrie and Mrs. Tait approved of the Report of the Referee, Mrs. Helen L. Murray, Q.C., on October 7th, 1980. One of the claims which amounted to $163,604.59, was recommended by the Referee for a grant of $50,000, and after considering her report the Committee agreed with that recommendation.

At the time the funds were entrusted to the former solicitor, November 1977, the individual discretionary limit was $25,000. However, there was before the Referee evidence of hardship which amply justifies the exercise of discretion to exceed the limit by both the Committee and the Referee. The claimant was separated from her husband and was raising six children. Under the terms of the separation agreement the claimant was to receive $200,000. When Mr. McLennan received this amount he misappropriated it instead of investing it as instructed.

The Committee was of the opinion that a grant of $50,000 to the claimant would be just and equitable.

On the basis of the Referee's Report the Committee recommended that the following payment be made:

Claimant	*Amount Claimed*	*Referee's Report*	*Amount Recommended*
Claudette Leblanc	$163,604.59	$ 50,000.00	$ 50,000.00

This amount together with the other 5 claims recommended by the Referee brings the total of all claims to $123,923.45.

THE REPORT WAS ADOPTED

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LEGAL AID COMMITTEE—Mr. Chadwick

Mr. J. B. Chadwick, Chairman, presented the Report of the Legal Aid Committee of its meeting on Friday, 14th November, 1980, which was held in London, Ontario.

The following members were present: James B. Chadwick, Chairman, Messrs. Barnes, Bynoe, Ms. Cornish, Mr. Ferrier, Mrs. Fleming, Messrs. Gilchrist, Lamb, Linden, Mrs. Jarmain, Messrs. Jones, Ogilvie, Mrs. Tait and Mr. Yachetti.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95(2), for the six month period ended September 30, 1980, shows that payments from the Legal Aid Fund exceeded budget by $1,728,000. Funds designated for community clinics were underspent by $273,000, with the result that the remaining payments exceeded budget by $2,001,000 as follows:

Over budget	$	$
Criminal certificate accounts	1,810,000	
Civil certificate accounts	32,000	
Student Legal Aid Societies	140,000	
Area Office costs	116,000	
Provincial Office costs	74,000	2,172,000
Under budget		
Duty Counsel payments	49,000	
Legal Advice accounts	2,000	
Salaried Duty Counsel programme	27,000	
Research Facility	58,000	
Special Projects	35,000	171,000
		2,001,000

Income from sources other than the Province of Ontario was under budget by $2,030,000 as follows:

Under budget	$	$
Law Foundation	1,729,000	
Client contributions	137,000	
Costs recovered	188,000	2,054,000
Over budget		
Miscellaneous income		24,000
		2,030,000

At September 30th, there was a negative balance in the Fund of $811,000.

The over-payment to Student Legal Aid Societies is recoverable from the provincial government as part of its Experience '80 programme.

Statistics

The following table compares reported activity for the first six months of this fiscal year with the activity for the same period in the previous fiscal year:

	6 months ended		*% Change*
	Sept. 30/80	*Sept. 30/79*	*from last year*
Summary Legal Advice	21,384	23,636	– 9.5
Referrals to other agencies	34,345	30,242	+ 13.6
Applications for certificates	56,512	57,839	– 2.3
Refusals	20,852	18,744	+ 11.2
As a percentage of applications	36.9	32.4	
Certificates issued	39,564	40,982	– 3.5
Persons assisted by Duty Counsel:			
Fee for service	79,208	76,878	
Salaried Duty Counsel	26,516	25,839	
Total	105,724	102,717	+ 2.9

Write-Offs

George E. Wallace, Q.C., approved the write-offs of the following total of amounts due to the Legal Aid Fund: $14,643.41.

LEGAL ACCOUNTS

REPORT OF THE LEGAL ACCOUNTS OFFICER

Activity

	1980/81 Fiscal Year		*1979/80 Fiscal Year*	
	Month of Sept. 1980	*6 Months to Sept. 1980*	*Month of Sept. 1979*	*6 Months to Sept. 1979*
Accounts on hand at beginning	15230	12454	9743	7373
Accounts received	5210	33110	4835	32433
Total accounts to be processed	20440	45564	14578	39706
Less: Files Cancelled	33	200	20	172
Accounts processed	6301	31258	3410	28386
Balance	14106	14106	11148	11148
In addition to the number of accounts for services completed there were:				
Interim Accounts	315	2226	176	1384
Supplementary Accounts	210	1733	136	1515
Total	525	3959	312	2899

Reviews

	Sept. 1980	*6 Months to Sept. 30/80*	*6 Months to Sept. 30/79*
Reviews on hand	1014		
Reviews received in	101	905	622
	1115		
Settlements reviewed in	70	896	320
Settlements awaiting review	1045		
	1115		

Appeals

	July	*August*	*September*
Appeals to Taxing Master received during	–	2	–
Appeals heard by Taxing Master	–	–	3
Appeals pending at the end of the month	5	7	4

NOVEMBER LEGAL AID COMMITTEE MEETING IN LONDON, ONTARIO

The Legal Aid Committee held its November meeting in London on Friday, the 14th. The theme of the meeting was "Legal Aid in the Eighties".

A notice to the profession was inserted in the October 24, 1980 edition of the Ontario Reports, inviting all members of the local Bar and Judiciary in the following areas to attend: Essex, Kent, Lambton, Elgin, Brant, Bruce, Grey, Huron, Middlesex, Norfolk, Oxford, Perth, Wellington, and Waterloo.

Also two hundred and forty personal invitations were sent to the members of the Judiciary, Area Directors, Chairmen of the local Legal Aid Area Committees, Deans of the Law Faculties, senior personnel in clinics, Presidents of the local Law Associations and Social Service Representatives.

Notices of the meeting inviting the public to attend were published in newspapers in the above-noted areas.

No member of the public attended. However, Area Directors, Chairmen of the local Area Committees and Committee members, representatives of the Student Legal Aid Societies and Community Clinics, and members of the Judiciary did attend. Senior administrative staff discussed recent innovations in the Plan and the Chairmen and members of the Committee discussed with the Judiciary problems being encountered.

LEGAL AID STAFF

The Legal Aid Committee approved the Steering Committee's recommendation that the Legal Aid Plan be included in the Management Study presently being considered by the Law Society.

SALARIED DUTY COUNSEL YORK COUNTY

John Weisdorf, Q.C., Director, Salaried Duty Counsel, Old City Hall, York County, tendered his resignation to the Provincial Director effective October 31, 1980.

AREA COMMITTEES

(a) APPOINTMENTS

Judicial District of York Region

J. David Hobson, solicitor
Ross B. Linton, Q.C.

(b) RESIGNATIONS

District of Cochrane

J. F. Reginald Levesque

THE REPORT WAS ADOPTED

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CLINIC FUNDING REPORT

Mr. Chadwick also presented the Report of the Director of Legal Aid, dated 17th November, 1980, with respect to Clinic Funding.

CLINIC FUNDING

The Clinic Funding Committee submitted a report to the Director recommending funding for various projects, and the defunding of one clinic.

The Director recommended to Convocation that the report of the Clinic Funding Committee dated November 17, 1980 be adopted.

The following are the recommendations of the Clinic Funding Committee contained in the said Report:

Applications for Supplementary Legal Disbursements

The Clinic Funding Committee considered applications from community clinics for supplementary legal disbursements pursuant to s. 148(1)(m) and recommended approval as follows:

1.	Centre for Spanish-Speaking Peoples	$ 125
2.	Halton Hills Community Legal Clinic	300
3.	Industrial Accident Victims Group of Ontario	350
4.	Metro Tenants Legal Services	500
5.	Parkdale Community Legal Services	1,000
6.	Parkdale Community Legal Services (In Trust re Residential Tenancies Act Reference)	924
7.	Rexdale Community Information Directory	500
8.	Sudbury Community Legal Clinic	1,000
9.	Toronto Community Legal Assistance Services	250
10.	York Community Services	250

Review of Initial Decisions of the Clinic Funding Staff

The Clinic Funding Committee also reviewed the initial decisions of the clinic funding staff pursuant to s. 148(1)(c) of the Regulation on clinic funding allocating funds for additional staff, and renovations, as follows:

1.	Ottawa Community Legal Services	up to	$ 7,000
2.	Keewaytinok Native Legal Services	up to	22,000

Report Pursuant to S. 153 of the Regulation on Clinic Funding

The Clinic Funding Committee also proceeded in accordance with s. 153 of the Regulation on clinic funding to make a finding concerning a breach of terms and conditions of a clinic certificate, and decided to report in accordance with s. 153 to the Provincial Director. The Committee has reported to the Director that funding for Injured Workers' Legal Assistance Group (Hamilton) should be terminated effective no later than February 15, 1981.

THE REPORT WAS ADOPTED

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CONVOCATION ADJOURNED FOR LUNCHEON AT 12:45 P.M.

....

The Treasurer and Benchers had as their guests for luncheon The Honourable Mr. Justice D. F. O'Leary of The High Court of Justice of The Supreme Court of Ontario, His Honour Judge Gordon J. Sullivan of the District Court of Hamilton-Wentworth, and Mr. John L. Agro, Q.C., of Hamilton.

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CONVOCATION RESUMED AT 2:30 P.M.

....

PRESENT:

The Treasurer and Messrs. Barr, Bragagnolo, Brulé, Carter, Carthy, Chadwick, Chilcott, Doran, Farquharson, Furlong, Ground, Guthrie, Mrs. Legge, Messrs. Lerner, McWilliams, O'Brien, Ogilvie, Pepper, Ruby, Shibley, Mrs. Tait, Messrs. Tobias, Wardlaw, White, Willoughby and Yachetti.

....

PRACTICE AND INSURANCE COMMITTEE–Mr. Brulé

Mr. J. A. Brulé, Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 13th November, 1980.

The following members were present: Messrs. O'Brien (Acting Chairman), Barr, Chadwick, Farquharson, Mrs. Legge and Mr. Wardlaw. Messrs. Hargraft, Marshall and Charman were present at the Chairman's request.

ADJUSTERS' FEES

Lists of fees paid in October, 1980, to adjusters under the old Fund, the 1977 Fund, the 1978 Fund, the 1979 Fund and the 1980 Fund were before the Committee.

Approved upon the recommendation of the Claims Manager.

COUNSEL FEES

Lists of fees paid to Counsel during October, 1980, were before the Committee.

Approved

MONTHLY REPORT

Mr. Hargraft's monthly report was before the Committee.

Noted

PRACTICE ADVISORY SERVICE

A report from the Director was before the Committee.

Noted

ALCOHOLISM

Mr. Marshall, having met with the Steering Committee of members of the International Lawyers of Alcoholics Anonymous with a view to developing contact which can be used in appropriate cases by the Society's Practice Advisory Service submitted a memorandum for the information of the Committee and Convocation.

The Committee was asked to recommend approval of the proposal that a committee be established with representation from the Law Society, the Ontario Branch of the Canadian Bar Association and the International Lawyers of Alcoholics Anonymous to consider the matters set out under the heading "Proposals" in the memorandum.

Approved in principle subject to the furnishing of further details of the proposed implementation.

ACCOUNT

An account in the amount of $6,600 from Peter D. Norman & Associates (B.C.) Ltd. was before the Committee for its approval for payment.

Approved

LEVY FOR 1981

A letter from Marsh and McLennan Ltd. was before the Committee with respect to the renewal of coverage for 1981.

The Committee was asked to recommend to Convocation what the levy for Errors and Omissions Insurance will be for 1981.

In the result the Committee recommended that the levy for coverage in 1981 be $870.

The letter from Marsh & McLennan Limited and two of the exhibits to it were before the Committee.

Convocation will recall that on the recommendation of this Committee, the Loss Prevention Program was instituted a year ago to combat the sharply rising losses which led to a great increase in the cost of insurance. There is some indication that this programme has begun to have some effect. Though initially it has caused an increase in the number of notifications made to the adjusters, the average amount of claims appears to be reducing. On the basis of the loss record so far, however, and in view of the heavy losses suffered by the insurance company in recent years, it is inevitable that the levy must be increased substantially for coverage in 1981. The losses suffered by the insurer were set out in the letter from Marsh & McLennan.

The philosophy underlying the Society's insurance plan has been to cover the majority of losses out of the Society's own fund, that is, out of the group deductible amount, so that so far as possible the members of the Society are "self-insured". This results in less profit being paid to the insurance company and the income from the investment of the Society's fund being available to pay losses and meet necessary expenses. Ideally, about 95% of losses, both in number and amount, should be covered in this way so that the true insurance provided through Gestas will be used for very large losses in individual claims and through the stop loss agreement to protect the Society's own fund against depletion. To achieve this balance in 1981, it will be necessary to increase the size of the Society's fund by paying into it $500 in respect of each practising member and to increase the combined individual and group deductibles from $35,000 to $100,000. It is proposed that the whole increase be in the group deductible portion and that the individual deductible per occurrence remain at $5,000. On this basis, the premium for the required coverage to $250,000 per occurrence with a stop loss limit of $5,500,000 (assuming 11,000 practising members) would be $105 through Gestas. Another component of the total levy is the amount paid into a premium stabilization fund which is kept invested to be available to the insurers if their loss ratio exceeds 70% or to be returned with interest to the Society if the loss ratio is below that percentage. By increasing the payment into the stabilization fund for 1981 from $15 to $40, the Society would give the insurers the confidence needed to reduce their premium to $105. This is recommended in the expectation that the loss prevention program and the various measures already taken to reduce losses will result in the loss ratio being below 70% so that the stabilization fund will enure to the Society's benefit.

The projected application of the levy for 1981 in full is as follows:

Members – (practising) 1/1/81 – 11,000
Claims 2,000

Adjusting & Counsel ($2,000 x $1,000)	$2,000,000.00	$181.82
Stop Loss Limit	5,500,000.00	500.00
Premium	1,155,000.00	105.00
Premium Stabilization Fund	440,000.00	40.00
Brokerage	64,000.00	5.82
Consulting	8,800.00	0.80
Practice Advisory Service	110,000.00	10.00
Transfer to Old Fund	125,000.00	11.36
Loss Prevention	55,000.00	5.00
Salaries	62,700.00	5.70
Administrative	49,500.00	4.50
	$9,570,000.00	$870.00

Because the amount of levy is substantially higher this year, it is recommended that members be permitted to pay it in two instalments. Because, however, the fund would lose interest as a result, it is recommended that each of the two instalments be increased by $15 to offset that loss of revenue.

Set out below is the complete scheme of payment taking into account in columns 'A', 'B', 'C' and 'D', the various permutations having regard to the fact that some members will be liable for the $50 penalty for failing to attend the Loss Prevention Program and that some will be entitled to a reduction of $50 because of their loss experience over the past three years. The invoice each member will receive will be computer-printed to show the appropriate levy for that person using column 'A', 'B', 'C' or 'D' based on the information in the Society's records. The lower part of the following schedule shows the calculation of the levy payable by those who commence practice at some point during the year. It is proposed that those who enter practice more than half-way through the year should pay the appropriate levy in one instalment.

	A	B	C	D
1981 Insurance Levy (Jan. – Dec.)	$870.00	$870.00	$870.00	$870.00
Seminar Non-Attendance Penalty	50.00	.00	50.00	.00
	920.00	870.00	920.00	870.00
Experience Rating Allowance	50.00	50.00	.00	.00
If Paid In Full By Feb. 28 Pay	870.00	820.00	920.00	870.00
Or Pay 1st Inst. By Feb. 28	450.00	425.00	475.00	450.00
And 2nd Inst. By June 1	450.00	425.00	475.00	450.00
Starting to Practise In Jan/Feb/Mar		as above		
Starting to Practise In Apr/May/June (includes new grads)	652.50			
Experience Rating Allowance	37.50			
If Paid In Full	615.00			
Or Pay 1st Inst.	318.75			
2nd Inst.	318.75			
Starting to Practise In July/Aug/Sept	435.00			
Experience Rating Allowance	25.00			
	410.00			
Starting to Practise In Oct/Nov/Dec	217.50			
Experience Rating Allowance	12.50			
	205.00			

The Committee considered the quotations submitted to Marsh & McLennan Limited by other insurers than Gestas, namely, Jevco Insurance Company and Simcoe & Erie General

Insurance Company, but on the advice of Marsh & McLennan, who are the Society's brokers, unanimously recommended that the Society continue to insure through Gestas Limited for the ensuing year on the basis outlined above.

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. Chilcott

Mr. P. K. E. McWilliams presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 13th November, 1980.

The following members were present: Messrs. McWilliams (Acting Chairman), Furlong, Shaffer and Strauss.

1. Four accounts were approved.

2. A letter was received from a solicitor concerning a person purporting to act as a solicitor for an appellant in the Federal Court of Canada, Trial Division, on July 29th, 1980. The Secretary was instructed to refer this matter to counsel for a prosecution if sufficient evidence is available.

3. A complaint was received about the conduct of an employee of a collection agency. The Secretary was instructed to refer this matter to the Registrar of Collection Agencies for an investigation.

4. A letter was received enquiring whether a company could draft articles of incorporation for individuals and for smaller legal firms. The Secretary was instructed to write to the person enquiring and advise that as the incorporation of companies is practising law, the company should cease and desist and he should seek further advice from his own solicitor.

5. A letter was received from the Chairman of the Society's Liaison Committee together with a draft memorandum of recommendations which he recommended be a supplement to the Memorandum approved by the Committee in September for submission to the Professional Organizations Committee.

The Secretary was instructed to advise the Chairman that the Committee wished his memorandum added to the one approved in September.

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE– Mr. Farquharson

Mr. G. H. T. Farquharson, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 13th November, 1980.

The following members were present: Messrs. Farquharson (Chairman), Lerner, Shaffer, Mrs. Tait, Messrs. Willoughby and Yachetti. Messrs. G. W. Howell and D. V. Burnett were also present.

GREAT LIBRARY

BOOK LIST

A list of books recently purchased was submitted for approval. Subject to the deletion of one item the list was *approved*.

COUNTY AND DISTRICT LAW LIBRARIES

YORK NORTH LAW ASSOCIATION

Consideration of the proposal from the Advocates' Society for a donation of part of the Middleton Library to this Association was deferred to this meeting. The Committee recommended that no donation of books from the Middleton Library be made to York North Law Association as the material is out of date. The Committee further recommended that the Law Society make a first year grant in aid to the Association of $8,200 subject to Regulation 33 under The Law Society Act. The Committee recommended that the Law Society should apply to The Law Foundation of Ontario for the balance of needed start-up funds early in 1981.

SUMMARY OF COUNTY LAW LIBRARY BALANCES

A copy of the monthly summary of outstanding balances of County and District Law Libraries as at October 31st, 1980 was submitted.

Received

INSPECTION OF COUNTY LAW ASSOCIATION DOCUMENTS AND RECORDS

A letter was received from a solicitor requesting that he be permitted to see documents and records (including minutes of the Board of Directors) of the County Law Association of which he is a member. The Committee instructed the Secretary to advise the solicitor that this is a private matter between the Law Association and himself. The Law Society has no jurisdiction in the matter.

....

Mr. Farquharson presented the Report of the Libraries and Reporting Committee of its meeting on Friday, 21st November, 1980, prior to Convocation.

The following members were present: Messrs. Farquharson (Chairman), Lerner, Shaffer, Mrs. Tait, and Mr. Willoughby. Messrs. G. W. Howell and D. V. Burnett were also present.

COUNTY AND DISTRICT LAW LIBRARIES

APPLICATION TO THE LAW FOUNDATION OF ONTARIO

The Committee discussed the reports of the Acting Chief Librarian and the Finance Administrator as to the amount of the Law Society application to The Law Foundation of Ontario for a grant in 1981. The Committee recommended that the amount of the Law Society application to The Law Foundation of Ontario should be $785,000.

THE TWO REPORTS WERE ADOPTED

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NOTE: Messrs. O'Brien and Pepper took no part in the discussions with respect to the Society's application to The Law Foundation of Ontario for a Grant in 1981 and did not vote.

....

LEGAL EDUCATION COMMITTEE—Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 13th November, 1980.

The following members were present: Mr. J. J. Carthy, Chairman, Messrs. Barr, Catzman, Doran, Ferrier, Ground, Lamont, Lerner, Ruby, Scace, Mrs. R. M. Tait, Messrs. Wardlaw and Willoughby.

FACULTY APPOINTMENTS

Toronto, Ottawa and London as indicated

It was recommended that the following appointments be made for the teaching term which commenced September 2, 1980:

(a) **Civil Procedure I Section**

Standby Instructor (Osgoode Hall): J. Brian Casey.

(b) **Civil Procedure II Section**

Standby Instructor (Osgoode Hall): R. N. Kostyniuk.

(c) **Law Office Administration Section**

To continue as Senior Instructor (Ottawa), L. Marcel Joyal, Q.C.

Group Instructors (Ottawa): C. D. Aitken, R. A. Barrette, D. P. Hamilton, J. L. D. King, T. P. Connolly, Norman Swedko, Paul Watson.

(d) Accounting in a Law Office Section

To continue as Head of Section, J. C. Vincent, C.A.

Group Instructors (Osgoode Hall): David Aiken, C.A., S. L. Berg, Ron Bogart, C.A., John Clappison, C.A., Peggy A. Clarke, C.A., Alan Dewling, C.A., W. C. Dovey, C.A., Ronald Flom, M.F. Garvey, C.A., Sheldon Goodman, J. C. Heath, C.A., S.M. Lax, P.F. Marchildon, A.F. Marshall, Steve Meadley, C.A., L.W. Newton, C.A., A. J. Packer, W. T. Pashby, J. W. Peace, W. T. Perks, Paul Quigley, C.A., B. W. Roland, C.A., Jeffrey Sherman, C.A., Bob Thompson, C.A., A. B. Tulk.

To continue as Senior Instructor (Ottawa), A. de Lotbiniere Panet, Q.C.

Group Instructors (Ottawa): David A. Bishop, C.A., W. G. Fenton, C.A., Thomas E. Forman, C.A., F. B. Murphy, C.A., R. A. Vickers, C.A., D. A. Whitelaw, C.A., Robert D. Wiens, C.A.

To continue as Senior Instructor (London), William L. Wood, C.A.

Group Instructors (London): David Atkinson, C.A., R. A. Dolphin, C.A., Sheila LeClair, C.A., John Lietch, C.A., W. R. Munday, C.A., Donald Sheehy, C.A.

Standby Instructors (Osgoode Hall): W. J. Buckle, C.A., R. F. Hains, C.A., T.R. Hambley, C.A., D. W. Hunter, C.A., I. S. MacGregor, J. W. R. Medland, C.A., J. A. Micules, C.A., Marvin Zweig, C.A.

Standby Instructors (Ottawa): Steven Bresolin, C.A., Lee Workman, C.A.

Standby Instructors (London): R. J. Campbell, C.A., Brian R. Jackson, C.A.

(e) Income Tax Section

Group Instructors (Osgoode Hall): Wanda Dorosz, Richard Miner.

Group Instructor (London): Maurice M. Pellarin.

Standby Instructors (Osgoode Hall): R. N. Richler, Beryl Green, Mary Lou Dixon.

(f) Corporate and Commercial Law Section

Group Instructors (Osgoode Hall): R. A. Bain, Linda L. Bertoldi, B. R. Bawden, D. B. Buchanan, R. E. Clark, S. D. A. Clark, D. W. Drinkwater, Jean M. Fraser, Maxwell Gotlieb, W. H. Gravely, Shanon O. N. Grauer, P. D. Howe, G. W. Kinasz, Sharon M. Lax, M. S. Lazarus, Brent Lisowski, Elaine M. F. McCallum, W. T. Pashby, M. J. Perelman, J. M. Potwin, W. R. Prueter, R. S. Sutin, J. E. A. Turner, J. H. Whiteside, A. H. Whittaker, N. L. Winton, Leslie A. Wittlin.

Group Instructors (Ottawa): R. C. K. Cheng, P. W. Fortier, W. C. V. Johnson, Shannon H. Martin, T. W. Peterman, L. J. Soloway, P. T. Taggart.

To continue as Senior Instructor (London), George F. Plaxton, Q.C.

Group Instructors (London): G. D. Carmichael, R. G. Hatt, W. C. Nursey, Daniel R. Ross, R. N. Waterous, A. Ross Webster, Q.C.

Standby Instructors (Osgoode Hall): A. K. H. Crossley, Clifford S. Goldfarb.

Standby Instructors (Ottawa): D. M. Lennox, Andrew Trotta.

Standby Instructors (London): W. G. Chizmar, Robert J. Israel.

Approved

BAR ADMISSION COURSE
ARTICLING INTERVIEW PROGRAMME

The Chairman prepared a draft report dated October 20th, 1980, concerning the articling interview programme. The said report contains a statement of policy concerning articling interviewing in 1981 and the Chairman recommended that the Committee seek approval to publish this statement of policy to all lawyers in Ontario and to all law schools throughout Canada. The said report and two memoranda of C. W. Morgan, President of the Students' Law Society of the University of Toronto, were before the Committee.

The Committee recommended that the said report, as amended in Committee, be adopted as follows:

REPORT OF THE CHAIRMAN ON THE ARTICLING INTERVIEW PROGRAMME AS AMENDED BY THE LEGAL EDUCATION COMMITTEE ON THURSDAY, NOVEMBER 13TH, 1980

Two years ago, we were urged to intervene on behalf of the students to stand in the way of the trend towards competitive interviewing at an earlier time each year, then interfering with the teaching portion of the second year of law school. In 1979, we promoted the first interview date of June 15, then realized that this was inappropriate, and in 1980, asked that all of the large firms (those over 20 members in Toronto and over 15 members outside of Toronto) undertake not to solicit students prior to May 15th. We avoided making this a rule with sanctions and hoped that the influence of the large firms would rule the balance. This proved to be the fact and the programme worked except that certain peripheral problems arose.

In the summer of 1980, we met with representatives of most of the large firms in Toronto and Chris Morgan, President of the Students' Law Society and a third year student at the University of Toronto Law School. It was the consensus that the programme was worthwhile both for the students and the law firms but that we should resolve certain problems which had been experienced. No one bothered the students during their school year except lawyers from Calgary who appeared and conducted interviews to the disgruntlement of some of the Toronto firms. There was confusion on the part of students and law firms arising from the single date of May 15th for soliciting. Was this the beginning of arranging interviews, or the beginning of interviews? There was a very obvious compression of the interview period, described as a cattlemarket, with extreme examples of students being offered jobs but given only 48 hours to respond. The law firms generally interviewed fewer students than in previous years but were generally pleased that they were able to do the job in a much shorter period of time. Another problem arose out of the need to consider exceptions to the rule with students who had plans that prevented them from being in Ontario on May 15th.

Chris Morgan circulated the attached memo to law firms and student representatives at all of the Ontario law schools. Everyone agrees that this memo accurately sets out the experience of the Spring of 1980.

At the meetings held in the summer, it was generally agreed that the problems we experienced could have been overcome if the wording of the resolution had set one date for the submission of applications, had left a period for arranging interviews, and had then set a date for the commencement of interviews. One additional requirement is that the occasional law firm putting unfair terms upon the student for acceptance of offers must be discouraged.

With the knowledge that the programme does work and that someone must provide leadership and direction, the group reviewed the appropriate date for interviewing. We were reminded that up until a few years ago, no interviewing occurred prior to second year marks being available in June and everyone agreed that these were of value to both the law firm and to the students, certainly those who improved their position in second year. This led to the consensus directed to interviewing at the end of August.

Law school classes generally begin the Wednesday after Labour Day and it was agreed that there is free time in the two weeks prior thereto and in the week or two following that date because of the return from summer occupations and because the first two weeks of school are not as high pressure as later weeks. If we provided two weeks prior to that date for interviewing, we should be fair to all concerned including those from out of town. This led to the suggestion that interviews start two weeks prior to the Wednesday after Labour Day, that applications should be submitted in July (when the marks are available from second year) and that interviews be arranged in the first 3 weeks of August. We should also include an admonition that law firms should be reasonable in terms of the time offered for acceptance of a position as the circumstances dictate; that is, in the heaviest interviewing period, it seems reasonable to offer the students a week to see other law firms.

Concern was expressed that we were dealing only with what we arbitrarily called large firms, and that this year's "rule" should be put forth as a policy of the Legal Education Committee whereby we request all law firms to follow the format but at the same time we make it clear that we recognize the rule will not be practical for some small firms and in some geographic areas – that it is primarily directed to the larger firms who affect a large flow of student members.

It was also agreed that we cannot interfere with Western law firms who wished to interview in Toronto but we should be sure to let students at all law schools in Canada know of our policy so that they do not come to Ontario and then seek exception to the rule. By the way, the move to September should eliminate all applications for exception to any policy rule.

It is therefore my recommendation that the Legal Education Committee seek approval of Convocation to publish to all lawyers in Ontario and all law schools throughout Canada the following policy direction concerning articling interviewing in 1981:

"It is the policy of the Legal Education Committee of the Law Society of Upper Canada that articling interviews conducted in one year for student positions commencing in the following be subject to the following ground rules:

1. Student applications for interviews should be submitted by the end of July, (when 2nd year results are available);
2. Arrangements for interviews should be made in the first three weeks of August;
3. Interviews should be conducted commencing not earlier than the fourth Monday in August;
4. Law firms are urged to give a reasonable opportunity to students to respond to offers of employment. For example, in the heaviest interviewing period, it seems reasonable to give a student at least a week to see other law firms,
5. While this policy is being published as of general application, it is recognized that certain firms by reason of geography, size or personal relationships may not be able to implement the policy.

By way of explanation, the student members are concerned that their studies in 2nd year law school are being interfered with by attempts to interview them for articling positions and anxiety if they are not. The law firms on their part would like to be more efficient and would like to have 2nd year marks available prior to interviewing. The policy is an attempt to bring all concerns together in an orderly fashion."

BAR ADMISSION COURSE PROPOSAL FOR THE ESTABLISHMENT OF A SCHOLARSHIP IN HONOUR OF THE LATE ISADORE LEVINTER, Q.C.

The Advocates' Society wishes to establish a scholarship in the Bar Admission Course in honour of the late Isadore Levinter, Q.C., to be awarded annually to the student obtaining the highest mark in the examination in Civil Procedure II. The scholarship is to be funded by way of a capital sum of $2,000 to be paid by the Advocates' Society to the Law Society Foundation. Letters dated July 15th, 1980 and October 24th, 1980 from Mr. Joseph O'Brien, President of the Advocates' Society, were before the Committee.

Approved and Accepted

REPORT OF THE SUB–COMMITTEE ON FINANCING THE BAR ADMISSION COURSE

The Sub-Committee on Financing the Bar Admission Course, chaired by Mr. Scace, made a report dated June 3rd, 1980, which was before the Committee on June 12th, September 11th, and October 9th, 1980, at which times it was deferred. The said report was before the Committee.

The Committee recommended that the said report be referred back to the Sub-Committee for further study and report. The Committee further recommended the appointment of a Sub-Committee composed of Messrs. Outerbridge (Chairman) and Ferrier, with power to add, to study and report on continuing legal education budgeting and financing and the use of funds generated by continuing legal education programmes.

CONTINUING LEGAL EDUCATION KINGSTON PROGRAMMES

A proposal was made by Dean Bernard Adell and Professor George Alexandrowicz of Queen's University on behalf of the University and of the Frontenac Law Association that, in the case of all continuing legal education programmes presented in Kingston, a perdiem surcharge in the amount of $20 be added to the registration fee charged by the Law Society in centres other than Kingston and that such surcharge be paid to Queen's University and to the Frontenac Law Association, or to one of them as they made decide. The proposal was based upon the assistance and co-operation of the University and the Association in presenting such programmes and it was proposed that such programmes should serve the members of the Society practising in the Counties of Frontenac, Lennox and Addington, Hastings, Leeds and Grenville, Lanark and Prince Edward. The Committee was asked to consider the proposal and give directions.

This proposal was before the Committee on September 11th and on October 9th, 1980 and allowed to stand.

Letters from Mr. Peter G. D. Swan, Q.C. and Dean Bernard Adell, dated September 30th and October 3rd, 1980 respectively, were before the Committee.

The Committee recommended as follows:

(a) The Society will not agree to impose a surcharge on continuing legal education programmes offered to its members in Kingston so as to make the cost of such programmes in Kingston higher than the cost of the same or similar programmes in other centres.

(b) The Society will agree to pay Queen's University reasonable charges for the use of university premises for the presentation, by the Society, of continuing legal education programmes in Kingston having regard to the cost of comparable or alternative accommodation for such purposes elsewhere in that city.

(c) The Society encourages Queen's University to continue to offer and conduct, on its own account, continuing legal education programmes for the benefit of the practising profession in addition to the programmes which the Society will offer and conduct in Kingston.

BAR ADMISSION COURSE
CALL TO THE BAR, 1981

On July 17th, 1980 Convocation approved the date, Monday, April 13th, 1981, for the Special Convocation for the Call to the Bar in Ottawa and directed that the location for that Convocation be given further study. It was ascertained that the Arts Centre in Ottawa is not available for that date. It is recommended that the Special Convocation in Ottawa be held at the Skyline Hotel under arrangements similar to those made in 1980, if such premises are available to the Society.

Approved

BAR ADMISSION COURSE
TORONTO ADVISORY COMMITTEE

The Bar Admission Course Advisory Committee in Toronto met on October 15th, 1980. At that time, the student representatives and a member of the committee from last year's student body recommended that all candidates in the 1980–81 teaching term be given a pass mark in the examination in Civil Procedure I.

Noted

BAR ADMISSION COURSE LONDON PREMISES

King's College indicated it may not renew the Law Society's lease of the London premises at 1071 Waterloo Street, when the current lease expires June 30th, 1982. King's College requested a statement of intent, without commitment, from the Law Society with respect to the use of the property based upon specified options. A letter dated October 17th, 1980 from Dr. John D. Morgan was before the Committee.

The Committee recommended the appointment of a Sub-Committee composed of Mr. Lerner (Chairman) and the Director, with power to add, to negotiate with King's College for a new lease and alternatively to search for new premises for the use of the Society in London.

SPECIAL PETITIONS

The Committee considered two special petitions for admission to the Bar Admission Course. One petitioner, who had been employed in the office of the Area Director, York County, Ontario Legal Aid Plan since 1974, had been granted a certificate of qualification by the Joint Committee on Foreign Accreditation in October 1980 and commenced service under articles immediately thereafter. He requested that service under articles of clerkship from 23rd October, 1980 to 31st August, 1981 be accepted in full of the articling requirement. The second petitioner, a student in the LL.B. programme at McGill University who expects to graduate in June, had entered the Faculty of Law with a CEGEP diploma and is concurrently enrolled in the Bachelor of Commerce programme in the University's Faculty of Management and has completed what is stated to be the equivalent of one year's full-time study in the latter programme. The petitioner requested that upon graduation from the LL.B. programme he be allowed to enter the Bar Admission Course. Both petitions were approved.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Education for the period from 1st July to 31st October, 1980; and reviewed a statement setting out the Continuing Education programmes held in October 1980 and the publications report for the month of October 1980.

THE REPORT WAS ADOPTED

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UNFINISHED BUSINESS

Consideration of the Reports of the following Committees was deferred to a Special Convocation to be held on Tuesday, 16th December, 1980:

Finance
Professional Conduct
Public Relations

. . . .

CONVOCATION ROSE AT 4:30 P.M.

. . . .

Confirmed in Convocation 16th January, 1981.

J. D. BOWLBY

Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Tuesday, 16th December, 1980
10:00 a.m.

PRESENT:

The Treasurer (Mr. J. D. Bowlby) and Messrs. Arthurs, Barr, Bragagnolo, Brulé, Bynoe, Carter, Carthy, Cass, Doran, Farquharson, Ferrier, Fennell, Finlayson, Furlong, Goodman, Ground, Guthrie, Humphrey, Lamont, Mrs. Legge, Messrs. Lochead, McCulloch, Noble, O'Brien, Outerbridge, Pepper, Ruby, Scace, Shibley, Mrs. Tait, Messrs. Tebbutt, Thom, Tobias, Wardlaw, White and Yachetti.

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MINUTES

With the concurrence of Convocation, the Minutes of Convocation of 17th October, 1980 were confirmed.

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FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 13th November, 1980.

The following members were present: Messrs. Pepper (Chairman), Finlayson, Scace, Shaffer and Wilson.

ROLLS AND RECORDS

Appointments to the Bench

The following member has been honoured by his appointment to judicial office and his membership in the Society will be placed in abeyance upon his assuming office:

Charles Terrence Murphy, Q.C. Sault Ste. Marie	Called – 15 September 1949 Appointed District Court Judge, District of Manitoulin – 10 July 1980

Deaths

The following members have died:

Gerald Stanislaus Horgan, Q.C. Toronto	Called – 19 June 1947 Deceased – 8 October 1980
Cyril Frederick Harshaw Carson, Q.C. Toronto (Bencher ex officio; Life Member)	Called – 24 November 1921 Deceased – 22 October 1980
The Honourable Julia Verlyn LaMarsh, Q.C. Toronto	Called – 29 June 1950 Deceased – 27 October 1980
Gordon Robert Brock, Q.C. Kitchener	Called – 20 November 1930 Deceased – 26 October 1980
John Stuart McKinnon, Q.C. Toronto	Called – 21 November 1940 Deceased – 6 August 1980
Albert Anthony Marck, Q.C. Hamilton (Life Member)	Called – 18 November 1926 Deceased – 29 October 1980
Charles Kenneth Freeman Waugh Ottawa (Life Member)	Called – 18 September 1930 Deceased – 17 October 1980
Ellis Hughes Cleaver, Q.C. Burlington	Called – 18 September 1914 Deceased – 31 October 1980
Martin Kelner Toronto	Called – 19 September 1940 Deceased – 7 November 1980

Disbarments

The following member has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Society:

Bernard Aron Toronto	Called – 26 March 1971 Disbarred – Convocation, 17 October 1980

Noted

LIFE MEMBERS

Pursuant to Rule 49, the following were eligible to become Life Members of the Society effective 20th November 1980:

Howard Wilfred Alles, Q.C.	Toronto
John Munroe Harris, Q.C.	Gravenhurst
Robert Stanley Johnston, Q.C.	Hamilton

Jacob Kaplan, Q.C.	Toronto
Carl Keyfetz, Q.C.	Toronto
Frank Elmer McMahon	Downsview
Lily I. Sherizen, Q.C.	Toronto
Nathan Aaron Taylor	Toronto
Arthur Allison Wishart, Q.C.	Toronto

Noted

MEMBERSHIP UNDER RULE 50

Retired Members

The following members who are sixty-five years of age and fully retired from the practice of law, requested permission to continue their membership in the Society without payment of annual fees:

Thomas Herbert Baker, Q.C.	Welland
Ian Francis George Baxter	Toronto
William Griffith Bingham	Orillia
George Christopher Campbell	London
Gerald Richard Dulmage, Q.C.	Perth
Cecil Levy	Hamilton
Isadore Benjamin Weinstein	Toronto
Frank Gordon Harrington, Q.C.	Scarborough
John Owrey Weldon, Q.C.	Fonthill

Incapacitated Member

The following members requested consideration of their applications as disabled members to continue their membership in the Society without payment of annual fees:

Robert Allan Gazley	Wooler
Donald Leslie Magee, Q.C.	Toronto
Bruce David Palmer, Q.C.	Toronto

Approved

CHANGE OF NAME

The following member requested that her name be changed on the rolls of the Society and submitted the required documentation in support:

From	*To*
Marie Catherine Rounding Atkey	Marie Catherine *Rounding* (maiden name)

The following student members requested that their names be changed on the rolls of the Society and submitted the required docmentation in support:

From	*To*
Anne Marie Kramil	Anne Marie *Parsonage* (maiden name)
Paula Frances Emerson	Paula Frances *Armstrong* (married name)

Approved

AUDITORS' ACCOUNT

The auditors, Clarkson Gordon, submitted their account for the year ended 30 June 1980 in the amount of $14,000. Last year the fee was $11,950, and in a letter dated 29 October 1980 an explanation was given for the increase which is equivalent to 17%.

Approved

IRON FENCE

The Society's architect, Mr. Arthur Heeney, submitted his account in the amount of $8,032.47, representing 1% of the total cost of the construction and rebuilding of the Iron Fence. Mr. Heeney had previously submitted accounts based on a fee of 10% and requested this additional 1% because the work was carried out under individual sub-trade contracts. The Committee was asked to approve this account for payment.

This item was before the Committee in September and October and was left to stand for further information.

The Chairman met with Mr. Heeney and recommended that the account be paid.

Approved

CAPITAL EXPENDITURE

Items of capital expenditure are the subject of separate requests made to this Committee as needs arise. Some items are ordered without reference to this Committee. For example, if there is an addition to staff, already approved, it follows that furniture and equipment such as typewriter, dictating equipment must also be acquired.

When the next budgets are being prepared it is proposed to submit a capital budget as well as an operating expense budget. Until this is done, the Committee was asked to consider the following requests:

1. *Furniture for Assistant to Finance Administrator*

   When Mr. Chamandy was appointed, he had to give up his office and furniture to his successor. Suitable furniture will cost $4,000.

2. *Furniture for Director, Practice Advisory Service*

   Mr. Marshall closed his practice in order to take this position. He would like to sell his furniture, including furniture and equipment for his secretary, for $5,255.

3. *Lawyer Referral Service*

   When this service was made province-wide, the number of staff was increased from one to four. Furniture in use is oddments collected from various departments. These should be replaced with four standard desks together with new chairs at an estimated cost of approximately $4,000.

Approved

BUILDING PROJECTS

The following is the status of two projects:

1. *Conversion of space over Convocation Room (Project 79–09)*

   This space has now been turned from library storage to office space and used to house six clerical employees of The Law Foundation of Ontario. Costs of the project are estimated at $19,246.23. It is proposed to recover part of the cost by increasing the rental charges to the Foundation from $4,000 per annum to $7,500 per annum. The new space is approximately 750 square feet compared to 400 square feet formerly occupied.

2. *Stained Glass Windows (Project 70–11)*

   This project involves replacement of lead, cleaning and replacing glass and painting. Mr. Heeney obtained four quotations and recommended that the work be put in hand by Luxfer Studios at the following costs:

American Library Ceiling	$ 7,689.00
Benchers' Windows (North and South)	2,076.00
Dome	321.00
	$10,086.00

Painting will be additional and will be carried out by Richard Meyer.

Approved

CANADIAN LAW INFORMATION COUNCIL

The last grant paid to the Canadian Law Information Council by the Society was $25,000 in September 1979. This was the amount included in the Society's budget for the year ending 30 June 1980.

The Council had submitted a request for funding in the amount of $50,000 based on a formula of $4 per capita, apparently recommended by the Federation of Law Societies in 1976. Not only did the Society pay half of what the Council was seeking but the Council also claims the Society is a year behind in its funding.

In a letter from the Assistant Executive Director, the Council again seeks a grant from the Society. The Society's budget for the current year includes $25,000 for this purpose and could be paid at any time, subject to the approval of this Committee. If this is paid, C.L.I.C. will consider this as meeting half of the Society's obligations for 1979/80, and will then be looking for a contribution for 1980/81 based on the $4 per capita, which would be equivalent to some $56,000, although the Council's request is for $50,000.

A letter, dated 10 November 1980, from Mr. Norman Rogers was before the Committee and Mr. Rogers attended the meeting at the invitation of the Chairman.

The Committee recommended payment of $25,000. The Finance Administrator was instructed to review with the Council its contention regarding arrears.

EMPLOYEES PENSION PLAN

The plan in its present form has been in effect since 1969 and replaced an earlier plan introduced in 1947. Some modifications were made to the plan in 1978.

As with other employee benefit programs, the Law Society (Osgoode Hall) and Ontario Legal Aid share a common plan. There has been some criticism levelled by both groups of employees regarding the plan and it was suggested that an independent review be made of the plan.

Peat Marwick & Partners, currently engaged in other consulting work at the Society, were asked to estimate the cost of a review. Their proposal, dated the 7 November, was before the Committee. Their fee is quoted as between $3,600 and $4,000 plus disbursements.

The current year's estimated pension plan cost to the Law Society is $90,000, while the Ontario Legal Aid's estimate is $125,000. It was suggested that the consultant fee be pro-rated to the plan cost, i.e., 40% for the Law Society and 60% for Legal Aid. Thus the fee considered by this Committee would not be more than $1,600 plus a share of the disbursements.

Approved

THE REPORT WAS ADOPTED

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Mr. Pepper presented the Report of the Finance Committee of its meeting on Tuesday, 16th December, 1980, prior to Special Convocation.

The following members were present: Messrs. Pepper (Chairman), Scace (Vice-Chairman), Brulé, Fennell, Finlayson, Guthrie, Lochead and Tebbutt.

Mr. P. K. E. McWilliams, Chairman, Legislation and Rules Committee, also attended the meeting.

PUBLICATIONS

A report of the Special Committee on Publications dated 1st December, 1980, was before the Committee.

The current year's Budget includes $5,000 for 3-ring binders. This figure was based on an earlier recommendation that binders would be supplied free to newly graduating members and sold at cost to other members. The Special Committee on Publications is of the view that all members of the Society should be provided with the binder free of charge.

The Legislation and Rules Committee has a Budget of $43,800, none of which has been spent. This amount was provided to cover the cost of issuing amendments to the Act, Regulation and Rules to all members. If the binder and contents are issued to all members, part of the cost could be met out of this Budget.

It was moved in Committee, seconded and *carried* that the binder be supplied to every member of the Bar Admission Course and be made available to other members at cost.

BUILDING PROJECTS

The cost of conversion of the room over Convocation was estimated by Mr. A. Heeney, the Society's Architect, at $19,346.23. Mr. Heeney submitted another account, covering problems relating to floor loadings, totalling $1,246.87. This account was before the Committee.

Approved

THE SECOND ITEM WAS ADOPTED

THE FIRST ITEM WAS STOOD DOWN pending consideration of the Report of the Special Committee on Publication. (*See p. 527-9 and 530.*)

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PROFESSIONAL CONDUCT COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 13th November, 1980.

The following members were present: Messrs. Ground (Chairman), Catzman, Doran, Genest, Guthrie, Lamont, Lerner, McWilliams, Outerbridge, Strauss and Mrs. Sutherland.

AMENDMENT TO RULE 18

Convocation directed that this item stand.

QUERIES FROM MEMBER WITH RESPECT TO OPENING LAW PRACTICE

A solicitor wrote to the Society at the end of August setting out certain questions with respect to the opening of her practice. There were three areas covered in her letter: use of fee lists and fee advertising; the mode of describing her law office; and the use of a logo in connection with her law office. She was advised at the outset that the position of the Law Society was that logos should not be used. She was also advised that the Rules as presently constituted do not permit fee advertising, save and except as to the initial consultation and that, although there would be nothing objectionable to a list of fees for basic services being kept at the reception desk and being produced upon request, the Rules would not permit the maintenance of a sign bearing a fee schedule in either the reception area or the window of the law firm. She was further advised that the term "legal clinic" or "legal advice centre" should not be used in the circumstances described as it might be misleading, most members of the public associating a legal clinic as a place where free legal advice is dispensed, which is not the intention of the solicitor.

An article appeared in the Sunday Star on October 5th. It would appear that she is planning to go ahead with the ideas as set out in her August letter notwithstanding the advice of the Society. She has requested the Professional Conduct Committee to reconsider the matter. Recently there has been another newspaper article and a magazine article concerning her in addition to the article which appeared in the Toronto Star on October 5th.

The Committee heard from a member of the staff who had passed by her office on Bloor Street West. There is a sign which hangs in her office. It is visible from the street but somewhat difficult to read. The sign lists the fees for basic services. A majority of the Committee was of the opinion that there is nothing objectionable with the sign which hangs in the solicitor's office. The Committee confirmed its earlier position that logos cannot be used and that the terms "legal clinic" or "legal advice centre" cannot be used.

It was moved in Convocation, seconded and *lost* that the recommendation be reversed and the member advised that she is in breach of the Society's rules.

PROPOSAL THAT COUNSEL ON RETAINER TO NON–PROFIT CORPORATION COMMENCE AN ACTION BY IT AS NEXT FRIEND OF A MINOR

A Hamilton lawyer has raised with the Society the propriety of a retainer. He has been approached by a non-profit corporation to act as counsel for it in commencing an action by it as next friend of a minor. The minor is a severely mentally retarded child and is a Crown Ward. The lawyer explained that he would be prepared to take the brief on a pro bono basis provided that the client would pay the disbursements. He would like to reserve the right to tax party and party costs in the event that the litigation is settled or it proceeds to judgment against the defendants. The party and party costs would be accepted as payment in full.

The Committee considered the inquiry at its September meeting and instructed the Secretary to ask the lawyer whether the non-profit corporation had asked the Official Guardian to act and whether an application has been made to Legal Aid. If an application had been made, had it been turned down and, if so, why? The Secretary contacted him and was advised that the answer to both questions was no. He explained that the non-profit corporation is a foundation which was established to provide advocacy for children. It analyses legislation affecting children and refers cases to lawyers. The solicitor explained that he was approached by the non-profit corporation because he is known to have an interest in the subject of mental retardation. He explained that the child is severely mentally retarded and was incompetent to give instructions. It was his opinion that the fee proposal contained in his letter was one of the few ways in which public interest litigation would be possible.

The Committee instructed the Secretary to write the solicitor and advise him that it would not be proper for him to be retained by the corporation to act for it in the circumstances described. The Committee doubted the ability of corporations or entities to retain counsel to represent individuals in this type of situation.

It was moved in Convocation, seconded and *carried* that this item be referred for consideration to the Sub-Committee of the Professional Conduct Committee on Representation of the Child.

MISCELLANEOUS

A number of other matters were considered with the appropriate instructions being issued in each instance.

THE REPORT AS AMENDED WAS ADOPTED

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SPECIAL COMMITTEE ON PUBLICATION

Mr. J. D. Ground, Chairman, presented the Report of the Special Committee on Publication dated 1st December, 1980.

1. An investigation of the estimated costs of supplying a three ring binder (Lawyers' Handbook) to each member of the Society has been made. The binder would be designed to hold the following materials:

   (a) Law Society Act
   (b) Regulation under the Act
   (c) Rules under the Act
   (d) Rules of Professional Conduct
   (e) Loss Prevention Manual (Errors and Omissions)
   (f) Opinions on the Rules of Professional Conduct
   (g) Reports on Discipline decisions

   Each section would include an index except that section (c) would include a combined index covering the Act, Regulation and Rules.

2. Convocation has previously approved the issuing of such a binder to all members by its adoption of the recommendations of this Committee in its report dated 8th February 1979. Convocation modified this decision by adopting the recommendation of the Finance Committee in its report of 12th April 1979 that a binder be supplied to new graduates each year but that all other members be offered a binder *at cost*.

3. This Committee continues to be of the view that all members of the Society be provided with the binder, free of charge, for the following reasons:

   (a) The principal contents of the binder (items (a) to (e) in 1 above) are already being supplied to all members as separate items – the binder provides the material in a convenient loose leaf format ensuring ease of updating.

   (b) All material is considered to be important enough that all members should become acquainted with it and be au courant with amendments.

   (c) Any partial distribution of material will result in difficulty in determining which members received it and which did not.

(d) A member in default should not be able to plead that he had not been supplied with the relevant material.

4. The Committee recommends that 16,000 binders and contents be ordered for distribution as follows:

(a)	To all members who pay fees	13,618
(b)	To Life Members, except those who have advised that they have retired or are no longer in Ontario	143
(c)	To student members now in the teaching term of the Bar Admission Course	1,050
(d)	Excess to be held for those entering the teaching term in 1981/82 and for spares	1,189
		16,000

Binders will not be issued to 172 Life Members who have retired or left Ontario nor to 212 members who are excused annual fees under Rule 50.

Estimated costs as set out below are $102,276 equivalent to $7.51 per member and the Finance Committee has been asked to consider ways in which cost could be funded.

Estimated Costs of 3-Ring Binder Project
(All Members)

Binders	Print supply and deliver to printer 16,000 binders, with dividers and shipping cartons		60,776
Printing	Print, collate and shrink wrap, Act, Regulation and Rules; Professional Conduct; Loss Prevention (15,000 – $20,000 + 1,000 – $1,000)		21,000
	Combine binders and contents, insert in cartons, label, deliver to Post Office		5,600
Postage	Estimated shipping weight 1200 grams		
	8,000 Metro Toronto and environs $1.00 each	8,000	
	6,000 Elsewhere $1.15 each	6,900	14,900
			$102,276

Cost per member – applying above cost to 13,618 members is equivalent to $7.51 per member.

It was moved in Convocation, seconded and *lost* that the contents be supplied to all members and student members and that the binders be offered for sale.

THE REPORT WAS NOT ADOPTED

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DISCIPLINE COMMITTEE–Mr. Genest

Re: HELMUT ERICH SEELE, Hamilton

Mr. R. D. Yachetti, Vice-Chairman, placed the matter before Convocation.

The reporter was sworn.

Mr. White was not present in Convocation, took no part in the discussions and did not vote.

The solicitor attended without counsel. Mr. Grant W. Howell, Q.C., attended on behalf of the Society.

Convocation had before it the Report of the Discipline Committee, dated 12th December, 1980, together with an admission of service by the solicitor and a waiver of regular notice and consent to Convocation dealing with the matter signed by the solicitor, accompanied by an affidavit of Rocco Grilli, Barrister and Solicitor, as to the service of documents on the solicitor and the execution of the waiver and consent by the solicitor.

The Secretary read the Report of the Discipline Committee, dated 12th December, 1980, which found the solicitor guilty of professional misconduct. He had induced clients by means of false representations to make mortgage investments and then misapplied the funds advanced to him.

The solicitor acknowledged service of the Report and made no submissions with respect to the Report.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 12th December, 1980, wherein the solicitor was found guilty of professional misconduct, be accepted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that Convocation had accepted the Report.

Convocation was advised that the Recommendation as to Penalty of the Discipline Committee was disbarment.

The solicitor made no submissions with respect to penalty.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were informed of Convocation's action.

The solicitor, counsel and the reporter retired.

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FINANCE COMMITTEE (Continued)

The Report of the Special Committee on Publication not being adopted, a motion with respect to the first item in the Finance Committee's Report of 16th December, 1980 which had been stood down pending Convocation's disposition of the Special Committee's Report, was *not put*.

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PUBLIC RELATIONS COMMITTEE–Mr. Goodman

Mr. E. A. Goodman, Chairman, presented the Report of the Public Relations Committee of its meeting on Thursday, 13th November, 1980.

The following members were present: Messrs. Goodman (Chairman), Bowlby, Outerbridge and Yachetti.

SURVEY TO THE PUBLIC

The results of the survey conducted last summer by Decima Research Limited had been distributed to members of the Committee. The Chairman of the Committee and Mr. Gregg of Decima Research Limited had discussed the survey further and suggestions for action were before the Committee for consideration. The Chairman put the following memorandum before the Committee:

> The Committee's attention is directed to the conclusions of the Executive Summary of the Law Society of Upper Canada, Attitude Study which are to be found on pages 31 to 34. It is clear from the study that while the public is prepared to acknowledge a fairly high degree of competence and professionalism in lawyers, their view of the lawyer's basic role in Society is a narrow and restricted one. They also have a rather narrow view of their need for legal service.
>
> A corollary of this attitude is that those who see a broader social need for lawyers, who have a wider view of lawyers' role in society and who have a broader contact with lawyers also have a much higher regard for lawyers.
>
> It is desirable to broaden the public's view of the role lawyers play in society for the following reasons:
>
> (a) Society for its own protection must realize the full extent of the bulwark that lawyers provide against injustice.
>
> (b) Public awareness of the broad role will help both society and the profession prevent encroachments on an individual's right to use lawyers. The often-prevailing attitude "let's keep the lawyers out of this" must be resisted.
>
> (c) An increase in public confidence in the profession will help dispel public hesitation in turning to a lawyer for assistance and protection.
>
> (d) The increase in public awareness will prevent the erosion of the profession's independence and right to self regulation.
>
> It is, therefore, recommended that the profession give consideration to the following program:

(a) A carefully delineated program of institutional advertising with special emphasis on the lawyer's role in society and the role of the profession in protecting society from encroachment upon their freedom. It is important that this does not appear to be product advertising.

(b) The Treasurer and Secretary should give consideration to staff and other requirements to implement such a program after consultation with the Chairman of this Committee, the Chairman of the Legal Aid Committee and the Director of Legal Aid.

(c) That the program be funded by a special levy on the profession.

The Committee adopted the above and so recommended to Convocation.

PAMPHLET ON WILLS

The pamphlet on Wills required amendment to bring it into line with changes in the law. The revised wording was before the Committee.

Approved

MARY SCHNEIDER PRINTS

In 1968, Mary Schneider was commissioned to produce four drawings of architectural features inside Osgoode Hall for which she was paid a total of $2,500. The sketches were later printed and sold to members of the profession at $25 per set. The income from the sale of the prints has covered the cost of having them produced and advertised.

In June 1979, the Committee commissioned Mary Schneider to produce four more sketches, this time of exterior aspects of the building and grounds. The drawings are now complete and Mary Schneider has been paid $2,500 for them. The Committee was asked whether it wishes them to be printed for sale as the others were.

Approved

It was moved in Convocation, and although not seconded, accepted by the Chairman, that recommendation (a) be amended to read:

> (a) A carefully delineated program of institutional advertising with special emphasis on the lawyer's role in society and the role of the profession in protecting society from encroachment upon their freedom. It is important that this does not appear to be product advertising.

and that in recommendation (b) the words "and other" be inserted after the word "staff".

Both amendments were incorporated in the above Report.

THE REPORT AS AMENDED WAS TABLED

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SPECIAL COMMITTEE ON CONVOCATION

Mr. H. W. Arthurs, Chairman, presented a Preliminary Report of the Special Committee on Convocation, dated 16th December, 1980, setting out the progress made in the Committee's consideration of the matters referred to it under the following headings:

I Introduction
II Policy-making and Policy Review by Convocation
III Delegation of Policy Application
IV Delegation of Preparatory and Technical Tasks in Policy Making
V Involvement of Non-Benchers
VI Consolidation and Rationalization of Committees
VII Procedures in Convocation
VIII Discipline Procedures

Convocation began its deliberations respecting the Preliminary Report.

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CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

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The Treasurer and Benchers had as their guest for luncheon Mr. Grant Howell, Q.C., of Hamilton.

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CONVOCATION RESUMED AT 2:25 P.M.

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PRESENT:

The Treasurer and Messrs. Arthurs, Barr, Bynoe, Carter, Carthy, Catzman, Cass, Doran, Ferrier, Finlayson, Furlong, Ground, Humphrey, Mrs. Legge, Messrs. Lochead, McWilliams, Noble, O'Brien, Pepper, Ruby, Scace, Mrs. Tait, Messrs. Thom, Tobias, Wardlaw, White and Yachetti.

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SPECIAL COMMITTEE ON CONVOCATION (Continued)

Convocation resumed its deliberations on the Preliminary Report.

Considerable discussion was engendered, numerous suggestions were made and the direction of the Committee's efforts was approved. The Committee is to proceed with its work using the Preliminary Report and those suggestions that were made by Convocation as the basis for a later report with specific recommendations.

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CONVOCATION ROSE AT 4:40 P.M.

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Confirmed in Convocation 16th January, 1981.

J. D. BOWLBY

Treasurer

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